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**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

25

58-60

PROCEEDINGS



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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Calgary,
Alberta, Wednesday,
July 3, 1957

PRESENT:

Hon. R. L. Kellock,	Chairman
Hon. C. C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A. R. Winship,	Asst. Secretary

APPEARANCES:

D. W. Mundell, Q.C., C.J.A. Hughes, Q.C.,	Representing the Commission
I. D. Sinclair,	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Wednesday,

July 3, 1957.

58th DAY

MORNING SESSION

---The Commission resumed at 10.00 a.m.

MR. SINCLAIR: At the conclusion of the sittings in Winnipeg I undertook to file the statement given by Fireman Sankow. Exhibit 276 will be the statement of Fireman Sankow. This is dated at the bottom May 30 and was taken by Mr. Fowler, the General Foreman.

EXHIBIT 276 -- Statement by Fireman
Sankow, May 30, 1957.

MR. LEWIS: Yesterday reference was made to the restricted clearance bulletin issued in Calgary. Exhibit 277 will be a bulletin addressed to all concerned, Calgary Division, dated April 10, 1957 and having to do with restricted clearances. Mention of this was made in the evidence, but I do not think the bulletin was filed previously. I believe mention of it was made by my friend Mr. Lewis but the bulletin was not filed.

HON. MR. MARTINEAU: That sets out the clearance provisions at those locations?

MR. SINCLAIR: It states that employees must not ride on tops of cars at any point where restricted overhead clearance exists. Then certain points are named one of them being A Yard, Imperial Oil spur. Under "side of track" it says "both sides".

EXHIBIT NO. 277 -- Restricted clear-
ances bulletin,
April 10, 1957.

MR. LEWIS: That is the Imperial Oil spur we saw yesterday?

MR. SINCLAIR: Which is prohibited.

THE CHAIRMAN: What is the result of that?

MR. SINCLAIR: The result of that, Mr. Chairman, would be that employees could not ride the side ladders of cars on either side going into that spur. They could ride the side steps of a diesel or they could be on the ground.

THE CHAIRMAN: I am asking what is the result of that on any movement or movements that were made yesterday?

MR. SINCLAIR: As I recall, one of the moves yesterday the men worked on the ground throughout. Another move was made with the men working on the right-hand side. Another move that was made, one of the yardmen rode on the side ladder, which is prohibited by this bulletin. Another move that was made, he rode down the side steps of the diesel with one man on the ground, which is not prohibited. Three men on the ground would not be prohibited.

Then of course they worked on the other side, with one man on the side steps of the diesel and one man on the platform, with the other man not participating in the move.

THE CHAIRMAN: In other words, that

just removes from consideration the one movement where the man rode on the side ladder?

MR. SINCLAIR: That is right, sir.

MR. LEWIS: I think it might be worth while to note -- my friend will correct me if I am wrong -- that most likely this bulletin has been re-issued over the years.

MR. SINCLAIR: I think there have been restricted clearances bulletins in this terminal earlier than this. How far back they go, I would not know. This would be a re-issue, sir, with such addenda or deletions as circumstances might warrant.

THE CHAIRMAN: In this particular location the clearances on both sides were restricted?

MR. SINCLAIR: That is right.

MR. LEWIS: Will I proceed with my witnesses or are there any submissions to be made?

THE CHAIRMAN: Have you made any arrangements? Does it make any difference to you?

MR. LEWIS: Not at all.

THE CHAIRMAN: Perhaps we might hear the people who have written in.

WILLIAM A. DUKE, called

BY THE SECRETARY.

Q Do you wish to make a statement or do you wish to be sworn and give evidence?

A Well, I have a petition here. I am not too familiar with these things. I also have an affidavit and a brief.

BY THE CHAIRMAN:

Q Just go ahead, you are not giving your own evidence?

A There are four or five incidents; one of them happens to be mine.

THE CHAIRMAN: The witness had better be sworn.

WITNESS SWORN

BY THE CHAIRMAN:

Q Will you tell us where you are from and what is your occupation.

A I am a locomotive engineer with the Canadian Pacific in Regina.

Q Very well.

A Mr. Chairman and gentleman of the Royal Commission, I am appearing before you on behalf of locomotive engineers in Regina employed by the Canadian Pacific Railway Company who have signed a petition -- 41 are engineers in Regina -- which is attached hereto expressing their opposition to the removal of the helper from diesel locomotives in freight and yard service

and who have authorized me to make appropriate representation in this matter.

As you gentlemen are well aware, the railroad operates 24 hours a day, 365 days a year and under all conditions, favourable and adverse, and under all weather conditions, good or bad.

I might say, gentlemen, that the men whom I am representing are not familiar with diesel locomotives in road service, but from our experience in road service with steam locomotives and with the long trains and numerous crossings on our subdivisions, including curves, it is beyond our comprehension how we can operate safely with one less man in the cab of a locomotive, regardless of whether it be steam, diesel, etc.

I might say we engineers in Regina on the Canadian Pacific Railway might feel at times, "What has the fireman got to do?" and the same fireman might feel the same way. We might go for days, even into months, where we feel and he feels that they are just drawing wages, but the time comes when through the fireman a major wreck which might result in millions of dollars worth of damage or many lives in passenger trains, on which you cannot place a dollar value, have been spared

this tragic accident through the fireman being on the left side of the cab and on the job. My fellow engineers and myself can go home to our wives and families saying, "Thank God, he was there" and we do not have to live all the rest of our lives with the heavy burden of loss of life or someone maimed for life due to the fact we were shorthanded.

I might say fellows like myself are placed in a precarious position having to serve two masters. No. 1 is the Canadian Pacific Railway Company from whom I and my family draw their bread and butter and for whom I am proud and happy to work for and be associated with.

No. 2 is my conscience, and I must say that my conscience has dictated to me in this respect. If I say we do not need a helper on a diesel engine and someone is killed or maimed for life because I and I alone was on that engine and could not see or realize the danger, then I and my fellow engineers must live with this tragedy all our lives.

Therefore, gentlemen, I say to you, let us remember that if through the fireman's eyes we save a life, or an accident minor or major is averted, he is well justified to be on the left side of

a cab of a locomotive, diesel, steam, etc., for everyone's protection.

In view of the foregoing the engineers for whom I am speaking feel that the removal of the helper from diesel locomotives is fraught with danger to the general public and is adding a strain and responsibility for the engineers without consulting them as to the feasibility of their being able to safely and efficiently cope with dangerous potentialities resulting from such a move.

The following cases are just a few of the many times that a fireman has averted a death or accident.

May 1, 1957. Engineer Crawford on diesel engine 7018, accepting hand signals from switchman kicked car into team Track 10. He then had to run around two cars, having one car ahead of engine and two cars behind engine. Switchman T. Krause was riding point and did not notice that car kicked into Team 10 was still moving and would run foul. Fireman E. Maksymiak being the only person who could see this advised Engineer Crawford to stop at once. This Crawford did, which due to Fireman Maksymiak's prompt action saved a side-swipe.

May 4, 1957. At approximately 21.30 Engineer A. C. Bell on the 15.45 coach-yard with diesel engine 6532 came in contact with Canadian National passenger equipment, resulting in a small amount of damage. At the investigation Fireman M. Rabbitz was criticized for not noticing that the Canadian National equipment was slowly moving ahead and advising Engineer Bell to stop at once. But due to his action in advising the engineer when he did that the equipment was moving he averted what could have been a very serious affair. I might add Fireman Rabbitz received 20 demerit marks for his part in this affair.

May 30, 1957. Engineer H. Landru on diesel engine 6532 at approximately 16.30 was moving westward on Depot Track 4 when Fireman Otto Maier shouted to him to stop as a transient was on the track in front of the engine. As it was a very dusty and dirty day Fireman Maier was the only one who could see this man and avert what could have been a certain death.

June 4, 1957. I am assigned to a 23 K Avenue Yard and had on this date diesel engine 7019. At approximately 6.30 we had to take a car of meat to

Canada Packers. Approaching public crossing Dewdney Avenue just west of Broad Street with bell ringing I sounded whistle signal, two long, one short, one long and brought engine to a stop. Switchman riding front of engine gave me signal to proceed, when I then started to move engine ahead Fireman F. Chapman shouted to me to stop at once. A Buick car, licence Saskatchewan 511 drove across in front of us without even bothering to stop for slow-down. If Fireman Chapman had not been so alert we would have had a bad accident.

I might also add that in the 1400 block between Cornwall Street and Scarth Street and on 7th Avenue and Rose Street, where we do warehouse switching, there is also a residential section with numerous small children playing around the track as there is no fence or protection. If there were not a fireman in the cab, on whose side the houses are and the children play, it is quite evident that some of these children would either be killed or maimed for life.

These few points have been mentioned in this brief to bring out the fact that we engineers in Regina feel that the

fireman is a very essential part of the job, not so much because they have hard work but because of their importance in helping to maintain safety at all times which results in saving of lives, equipment, etc.

In conclusion, gentlemen, and this in no way detracts from our views that a fireman is very much needed on the left side of an engine, we engineers in Regina are very much alarmed at this so-called progress and automation. We who are trying to raise our sons and daughters to be God-fearing, upstanding citizens and provide them with the education they need to make for themselves a worthwhile life, wonder if due to automation they are going to be faced with the same problem as we their parents were faced with in the depression of the 30's, thus forcing our children into a life of unemployment and possibly making thugs and lawbreakers out of them.

I would say to you gentlemen that if through the selfish interests of large corporations wanting to pay one or two per cent more dividends to already wealthy shareholders jobs are to be abolished on a wholesale scale, which in a

few years will affect the economy of our great country and possibly make tramps and lawbreakers of our children, and you feel that there is a small chance that this might happen I would ask you to refuse this application for the removal of the firemen on yard and road diesel engines. Gentlemen, I thank you.

MR. LEWIS: No questions.

BY MR. SINCLAIR:

Q Mr. Duke, you live in Regina?

A Yes, sir.

Q You run an engine where?

A In Regina.

Q Would you mind telling the Commission who wrote this?

A I did.

Q Who helped you?

A Nobody.

Q Including the last part?

A That is right. That was typed by my wife in my home at 2339 Albert Street.

Q Do the enginemen in Regina whom you say you represent, do they know that the last part of that brief was in your representation?

A I discussed with all of them and they agreed something like that should be put in.

Q How old are you?

A Forty-four years of age.

Q How long have you been running an engine?

A I have been running an engine off and on since 1947.

Q You said something about major wrecks being averted by firemen but you did not give any examples, did you?

A No. From our experience in road service there has been numerous times that through the firemen -- you may say this is presuming -- accidents have been averted.

Q You say numerous times?

A I would say numerous times.

Q You presume that if he had not done something nobody else would have noticed it?

A It could have been overlooked.

Q But there are other people who had the duty to see it?

A That is right.

Q The same applies to some of these incidents you have related here specifically this morning, does it not? There has been a presumption that somebody else would not have done what he was required to do?

A Well, in the case of mine if the fireman had not been on that left side of the cab we would have piled into that automobile and in the case --

Q Just a minute, Mr. Duke. You said in that one the switchman gave you a signal to proceed?

A That is not correct.

- Q He was ahead of the movement?
- A There was three of them on the front of the engine.
- Q Yet none of them could have seen the car?
- A Well, I don't think they would have seen it in time to stop because I never got a signal from them to stop.
- Q They were in a better position to see than the fireman was?
- A They should be.
- Q And they could have given you a signal if they thought there was real danger?
- A I imagine they could have, if they had seen it.
- Q That is what they are there for, to make observations?
- A I agree with you, but as long as there are human beings there is going to be error and mistakes made.
- Q There were three of them there that day?
- A Yes.
- Q That is the one you were involved in yourself. Then there was the one on May 30 on Depot Track 4 with a yard engine?
- A Correct.
- Q A yard diesel, and there was a transient on the track. I think in your brief you made reference to certain death if the fireman had not brought it to your attention?

A That is right.

Q Where were the ground crew?

A Apparently they were on the back of the engine.

Q Do you know?

A I was told that. Any of these chaps I got this from will swear an affidavit or testify under oath that this happened.

Q They were not on the front of the engine?

A There were no cars ahead of them or behind them.

Q They were just riding on the rear?

A That is right.

Q They could have quite properly been up on the front, one of them at least?

A I imagine they could.

Q If you felt there was any need for somebody up there you could have asked the foreman to place one of his men there?

A Correct.

Q Then the other one was on May 1, a yard engine again, and this was a sideswipe?

A That is correct.

Q A car was kicked into the track and then it started to run back?

A No, I believe you have the wrong one there.

Q It is engine 7018, yard diesel, where the car was kicked and started to run back; do you remember that?

A That is right. All I know is from the evidence the men gave me, both the engineer

and the fireman, and as I said they are ready --

Q That this happened?

A That is right.

Q That car ran back because it was not tied down, I take it?

A That is correct.

Q Had you kicked it in there?

A No, I had not; I wasn't on the engine.

Q Had the engine into which it ran back kicked it in there?

A Did you ask the yard foreman why he did not tie down the car?

Q It is his duty to tie it down under those circumstances where it could run back?

A I could not say. I am an engineer, I am not a switch foreman.

Q The other one was on May 4, 1957, Engine 6532. In that case the fireman got 20 demerit marks. Did the ground crew get any demerit marks?

A I believe the pin boy got 15 and the engineer got 15.

Q One of them was out of position, was he not?

A That is correct.

Q One of the ground crew?

A That is right.

JOHN KENNETH MCGREGOR, called

BY THE SECRETARY.

Q Do you wish to make a statement or to be sworn and give evidence?

A I have a petition.

Q Are you going to relate incidents?

A One.

Q In that case I had better swear you.

WITNESS SWORN

BY THE CHAIRMAN:

Q Where do you live?

A Lethbridge, Alberta.

Q And your occupation?

A Yard foreman.

Q Very well.

A Mr. Chairman and gentlemen of the Commission, my name is J. K. McGregor and I am an employee of the Canadian Pacific Railway employed as yard foreman at Lethbridge, Alberta. I am appearing on behalf of the yard foremen and yardmen employed at the above point. I wish to present a petition signed by my fellow employees expressing their opposition to the removal of firemen from diesel yard and road locomotives.

Our work is done at all hours of the day and night and in all degrees of weather -- fog, snow, rain, heat and cold --

and never in a location, as in some industries, where conditions can be remedied by lighting devices, fans or heating devices. We work with huge moving vehicles which must be controlled under various conditions in order to prevent injury to ourselves, our fellow employees and prevent damage to shipments and the equipment with which we work.

In the normal course of our duty as yardmen many unexpected conditions arise on every shift and no two shifts in yard switching are the same. We must be constantly alert for moving cars, cars running foul, obstructions in the track, loads shifted in cars, other employees on the tracks who have the job of repairing switches, removing and replacing ties and rails, etc.

There are many other people on railroad property at various times, in spite of the efforts of railroad constables, and children playing in and about cars and tracks, all of which adds to the strain of engine and yard service employees. Since these people cannot be governed by any safety regulations or devices and due to the size of the yards the police cannot cover the entire area where such people may come at

unpredictable times.

In addition to the above there are also street crossings which are not protected by gates, lights, watchmen or other warning devices and which create hazards when automobiles or pedestrians try to go over when switching movements are made over such crossings. These conditions arise when the switch crew is on the right side of the engine making switching movements, and without the diesel helper on the left side to give warning to the engineman the hazard would be increased.

It is the firm belief of the yard service employees for whom I speak that if it were not for the diesel helper on the left side of the engine more accidents would occur, and it is a well known fact among railroad employees that many accidents have been averted but no record made since no one was injured or killed.

For example, in my experience a few years ago two small children were saved from certain death by the alertness of a fireman who saw them crawl under some cars we were going to pull at the Lethbridge stockyards. I notified the police and found these children had been missing

from their homes for hours; and had we made that movement without the fireman on the left side of the engine I am certain the children would have been killed or maimed for life.

Therefore we, the yard service employees of Lethbridge, trust the Commission will reject the company's proposal to discontinue employment of helpers on diesel locomotives in road and yard service.

BY MR. LEWIS:

Q When did you first join the Canadian Pacific?

A September 6, 1923.

Q Have you worked in yard service ever since?

A Ever since.

Q In Lethbridge or other places?

A And Macleod.

Q Lethbridge and Macleod. When did you first become a yard foreman?

A I believe it was 1928.

Q You have been a yard foreman since that day?

A Since that time.

Q I have not had a chance, Mr. McGregor, to see the Lethbridge and Macleod yards. Are they pretty large sized yards?

A Lethbridge is a 21-track yard.

Q Are there many people employed in the yard and in other services around the Lethbridge yard?

A I presume our yardmen are up around 40 on the seniority list, about 40 I think it is. I didn't check the list, but I think it is about that.

Q Are there any grain elevators at the Lethbridge yard?

A Yes, there are.

Q Are there people connected with the inspecting of grain in the yard from time to time?

A Yes, there were, yes, last year.

Q Is that usual during the grain movement?

A Yes. I believe it was in connection with mustard they were inspecting in the yards.

Q This incident about the two small children that occurred a few years ago, was that your own experience?

A My own.

Q Were you on some yard job at the time?

A I was.

Q Was it in the main yard or in some industrial siding?

A It was out in the outlying district, at the Lethbridge stockyards.

Q You were doing some switching at the stockyards?

A That is right.

Q There are some homes nearby?

A No. They had merely walked away from their home.

Q They had simply wandered away?

A Wandered away.

Q The parents were looking for them?

A That is right.

Q Can you remember any details of what happened during that switching?

A I can. There are two tracks in connection with the stockyards. We loaded the east and north stock on No. 1 track and then proceeded to switch No. 2 track. When the engineer would not back up we were walking up to find the cause and we heard a voice from the north side of the track and it was the fireman who informed us that we could not move until he found these children.

Q Where were you and your two helpers at the time?

A There was one of them as usual with the engineer and one with me letting the brakes off.

Q You had one of them --

A I was checking the cars and he was letting the brakes off --

Q On each side?

A Bringing the engine to No. 2 track, on the right side of the engine.

Q On the engineer's side?

A On the engineer's side.

Q Was this a steam or diesel engine?

A It was a steam engine.

Q Stoker or oil?

A I believe it would coal. It is a few years ago.

Q Was it stoker or hand-fired?

A I am almost sure it would be hand-fired in those days. It was during the war.

MR. LEWIS: That is all.

BY MR. SINCLAIR:

Q Mr. McGregor, was that a back-up movement with a light engine coming into the track?

A No, a forward movement.

Q And the engine follower was riding behind on the right-hand side, was he, or was he riding the front footboard?

A He cannot ride the front footboard.

Q On a diesel he can ride the steps, on the platform on the front of the diesel?

A On some diesels.

Q On what diesels cannot he?

A I have rode diesels that if you rode the steps you are dangerously far out.

Q Then you would get up on the platform?

A That is right.

Q So that with this move with a diesel the yardman would have been in the best position of all to make observations ahead?

A Not on that.

Q Why?

A It was after we coupled on; he couldn't see.

- Q He couldn't see?
- A Yes, he couldn't see them.
- Q You had made the move into the track and coupled up?
- A With a light engine.
- Q And you had got a back-up signal from the engine follower?
- A No, I give the back-up signal.
- Q A back-up signal had been given to the engine-man?
- A Yes.
- Q And these two children, what had they been doing; had they been playing in the stockyards?
- A These two children had wandered from home, the police told me, about three o'clock in the afternoon. This was just at dusk, so I imagine at that time of the year it was around eight o'clock at night.
- Q They were in the stockyards?
- A No, they were amongst the cars.
- Q They were in the stockyards and you were in the stockyards store?
- A Not in the stockyards proper, in the store of the stockyards. The stockyards is the place where you put stock. They were on the track by the stockyards.
- Q You hadn't noticed them?
- A No, I didn't notice them.
- Q How close were they to the engine, do you

know?

A They were about eight cars from the engine.

Q The engine follower didn't notice them?

A No. He was on the wrong side of the engine.

Q He did not hear them?

A No, he could not hear them where he was.

Q They were not talking or playing?

A No. The only thing is that the fireman saw them going in under the cars.

Q Did you report this incident to anybody?

A Just the police.

Q When you walked down the track or your crew had walked down the track they had not heard them or seen them?

A No. I never heard them

Q You checked to see if your track was coupled up and you walked down?

A I walked, and I am sure at the time, as they always do, the fieldman goes over the top looking for hand brakes.

Q So that the two of you had walked down the track?

A No. I walked down the track and he walked on top.

Q He walked along the top?

A On the running board.

Q You walked down?

A The track, between the two tracks.

Q And neither of you noticed them?

A No.

IAN A. MacLEAN, Called

BY THE CHAIRMAN:

Q Where do you reside?

A Calgary.

Q And your occupation?

A Locomotive engineer.

Q Very well, would you proceed?

A Mr. Chairman and gentlemen of the Royal Commission, I have been elected by the members of Division 355 Brotherhood of Locomotive Engineers to present to this Commission a signed petition by 140 engineers, members of this organization, who in their wisdom feel that the removal of firemen from diesel locomotives in freight and yard service is not in the best interests of safety and economy.

In train service, freight and yard, we work as a team and at our away terminal we practically live and eat together, and in doing so we oftentimes live some of our trips over again, and in this manner the firemen gain valuable experience in train handling.

In freight service the speed and length of trains have been increased considerably and today an engineer is handling more than twice the tonnage he handled when steam power was in vogue, and at a much greater speed. This

petition, we consider, the retention of the fireman-helper, is in the best interests of safe train operation.

It is understood that engineers go through a very strick visual acuity test and this test has been set by the Board of Transport Commissioners and strictly adhered to by all concerned.

It is respectfully submitted that the removal of the fireman-helper from diesel locomotives in yard service would practically leave the left side of switching movements blind, and in freight service the fireman-helper is the eyes of the engineer on the left side at road crossings when danger of autos or pedestrians unexpectedly appears, and when switching at stations en route he is alert to anything happening of which the engineer cannot see, which in itself speeds up switching and train movement with a greater degree of safety.

To remove from the cab this very important pair of eyes we feel is not a safe or sane movement and we, the signers of this petition, in our wisdom are definitely against the removal of the fireman-helper from diesel locomotives.

MR. LEWIS: No questions.

MR. SINCLAIR: No questions.

LESLIE JOHN HARRIS, Called

BY THE CHAIRMAN:

Q You reside where, Mr. Harris?

A I have it on the top here, Lethbridge.

Q What is your occupation?

A Engineer.

Q Very well.

A Mr. Chairman and members of the Royal Commission, my name is L. J. Harris and I am employed as an engineer at Lethbridge and am appearing on behalf of the engineers at the above point.

In the matter of a dispute between the Brotherhood of Locomotive Firemen and Enginemen and the Canadian Pacific Railway Company, emanating from a request made by the Company to amend the collective agreement with the Brotherhood of Locomotive Firemen and Enginemen to permit them to discontinue the employment of helpers on diesel locomotives in freight and yard service, a dispute which is now being investigated by a Royal Commission, established by Order-in-Council P.C. 1957-52, dated January 17, 1957.

We, the undersigned, employed as Locomotive Engineers by the Canadian Pacific Railway Company, wish to express our opposition to any change which will

permit the removal of the helper from diesel locomotives in any class of service because engineers who are responsible for the operation of diesel locomotives recognize the value of having a helper on the left side of the locomotive cab, first, to assist the engineer in constant observation of signal indications, track conditions, etc., for the safest operation possible for the public, the shipper, the carrier and the employees, and second, in order to give the necessary experience and essential training to employees who will become the efficient locomotive engineers of tomorrow.

MR. LEWIS: No questions.

BY MR. SINCLAIR:

Q Did you write that?

A No, I had that presented to me by the Local Chairman of the Lethbridge Lodge and asked to deliver it to you here.

Q Not to me.

A To the Commission, pardon me.

Q Do you know where he got it?

A No, I could not give you that information.

MR. SINCLAIR: I just wanted to know for the record. There seems to be a similarity in language between that and one of the earlier briefs that I made reference to earlier. It

seems to be word for word.

MR. LEWIS: My friend will have a chance to argue the weight of these things when the time comes. There are several reports to which I could refer, but I do not want to take the time this morning. I do not think he ought to make that kind of statement, with great respect.

LEWIS GWYNN, Sworn, Examined

BY THE CHAIRMAN:

Q Where do you reside?

A At Saskatoon, Saskatchewan.

Q And your occupation?

A Locomotive engineer.

Q Proceed, please?

A I have a petition which is signed by 60 engineers on the Saskatoon Division, which comprises about 95 per cent of the engineers working on the Saskatoon Division. It reads as follows:

"We the undersigned employed as locomotive engineers by the Canadian Pacific Railway Company wish to express our opposition to any change which will permit the removal of the helper from diesel locomotives in any class of service because the engineers who are responsible for the operation of diesel locomotives recognize the value of having a helper on the left side of the locomotive cab. First, to assist the engineer in constant observation of signal indications, track conditions, etc., for the safest operation possible for the public, shipper, carrier and employees; and, second, in

Lewis Gwynn

order to give the necessary experience and essential training to employees who will become locomotive engineers."

Q Anything you wish to say?

A Yes. I have no brief prepared but I would like to point out a few cases to confirm or to tell you why the engineers wish the retention of the helpers on our division.

To start with, we have two what you would call hot shot diesel trains, one east and one west, coming through our territory.

Q That is a new term, would you mind defining that for us?

A Which term is that?

Q Hot shot; what do you mean by that?

A Well, that is what we call the trains that they want over the road very quickly.

MR. SINCLAIR: A time card freight.

THE WITNESS: Symbol train.

BY THE CHAIRMAN:

Q Go ahead.

A This train is delivered, eastbound this train is delivered to us at Hardisty in the Alberta district. Our men bring it over the Hardisty Subdivision to Wilkie.

Before this train arrives at Wilkie our engineers and crews from Saskatoon are called some time previous to this to do

switching operations. We are often three, four or five hours in making up what we call the fill-out, that is the additional cars that come off the branches at Wilkie to be put on the tail end, the rear end of this train.

After it arrives and while we are doing this work the engineer coming in from Hardisty is usually asked to make one or two moves on the head end of this train, either in setting off cars or in picking up cars. When he is doing this he has his head-end brakeman, who is the most inexperienced member of the crew, to help him.

While he is making this move there is a highway, a secondary highway he has to move over. With only the brakeman and engineer to make this move we do not figure that it could be safely done without somebody to watch the left-hand side of the movement.

With this same train, after this man makes this move, then the Sutherland men come to the head end and the Hardisty crew take over the switch engine and we take the diesel engine and proceed to Saskatoon.

On our arrival at Saskatoon possibly two or three times a week we have to

set off cars of stock at the stockyards. The stockyards are on the right side and while we are making this move it is impossible for the engineer to see the brakeman when he is backing into the cars at the stockyards. Consequently he works from the left side.

While this move is being made the train is occupying a public crossing and diamond over the Canadian National tracks and without a helper on the left side it would be necessary to wait for the tail-end brakeman to appear on the scene to be able to make this move. On this train we usually have from 60 to 90 cars.

After this move is made this train is then taken over to the terminal in Sutherland. It has been the custom after arriving in the Sutherland yard for the, shall I say, meat cars, the cars that have to be serviced with ice or given other service such as heaters in the wintertime; it has been the custom for these cars to be brought back around while the diesel engine is being taken to the shop for fueling.

While this move is being made there is a double S curve on the lead between the icehouse and the roundhouse where it

would be impossible for the engineer to keep the one brakeman in his view. There is only one way that this brakeman can be in view at all times, and that is first from the right side and then from the left side.

After we get back around this S curve to the roundhouse and carshop the yard engine then takes these cars off, takes care of them, and then we go to the shop track with the diesel engine for re-fueling.

After the train leaves Saskatoon, or Sutherland, I should say, and proceeds to Wynyard the same procedure is gone through at Wynyard. The head-end crew is asked to either lift or set off cars on the head end. They have also a public crossing to work over.

For this particular movement the engineers do not wish to be obliged to make this movement without a helper on the left side.

This same train, or the opposite train westbound, is put through the terminals on the same basis. Switching is done by the crew on the head end by the engineer, brakeman and fireman while the outgoing crew is doing the work on the rear of the train. They are

switching over these crossings. At each point there is a public crossing and we feel there should be somebody to protect this movement.

Therefore we ask that the firemen be retained to help make these movements and protect the moves from the left side.

To bear out what I have said I would like to read you a copy of a bulletin that was put out by our Assistant Superintendent covering this matter.

Q What date?

A It is dated Wynyard, April 28, 1957.

BY MR. LEWIS:

Q Where is Wynyard, is it in Saskatchewan?

A Wynyard is a terminal 110 miles east of Saskatoon on the road to Winnipeg. This reads:

"All conductors, enginemen and operators, Wynyard and Sutherland.

To avoid the possibility of any delay in putting Train 976 through Wynyard the incoming crew is to do necessary switching with the road engine. To accomplish this it will be necessary for the outgoing crew to have the cars to be put on the head end on the east end

of one of the yard tracks, say, track 1, and operators are to have a message ready for the head end of 976 as the engine passes the station.

This must be hooped up by the operator on duty. There must not of course be any failure on the part of the outgoing crew to have the stock at the east end of the yard before 976's arrival and the conductor of the outgoing crew must advise the operator in which track these cars are located.

It is felt that such an arrangement will avoid the delays that have been experienced in the past when necessary to switch both ends of 976 at Wynyard yard. The co-operation of all concerned in this regard will be appreciated.

E.N.A. Soule
Assistant Superintendent."

That was to confirm the movement of this train through our terminals.

I have a number of messages here also which were instructions from the yardmaster usually instructing us to bring these meat cars or whatever they have from the head end of the train when

it arrives at Sutherland back to be iced or for other services.

BY THE CHAIRMAN:

Q As you have described?

A As I have described. These are all signed by the yardmaster. I have a few instances I would like to relate.

On June 3, Train No. 80 --

Q That is this year?

A Yes, June 3, 1957. Train No. 80 was working as a way freight on the Sutherland sub with Engineer Huff. He had a student brakeman in addition to his regular head-end brakeman. They were required to lift a car at Guernsey. They were going into the elevator track. The elevators and stockyards are on the left side and the student brakeman was riding on the back steps of the engine on the left side and the regular brakeman was on the right side giving signals to the engineer.

As they approached the loading platform at the stockyards --

BY MR. SINCLAIR:

Q Pardon me, I did not get the name of the engineer.

A W. G. Huff.

BY THE CHAIRMAN:

Q As they approached the platform?

A As they approached the platform this student did not seem to notice that he was riding in such a position that the platform would catch him about the knees. At the last possible moment the fireman shouted to him and he immediately, within a few feet of the platform, climbed higher up on the step on the back of the tender to clear the loading platform.

He afterwards stated to the fireman -- he expressed his thanks as he didn't notice that he was approaching the loading platform as he was concentrating on making the joint on this car that they were going to lift about 20 feet away.

On June 14, 1957, Engineer Tronstad, Train No. 976, out of Wilkie, 13.00 o'clock, with 97 cars; the brakes went into emergency at mileage 78. The brakeman started back and having gone back about 25 or 30 cars they were unable to distinguish his signals. It was a warm, hazy day with heat waves distorting the signals.

It appears that there was a broken drawbar 75 cars from the head end. They chained this car over to the next siding where it was set off and they then went back after the tail end of the

train.

While this movement was being made on account of the impossibility of reading signals owing to the weather conditions, a hazy day with heat waves, Fireman Shephard went back 25 cars to relay signals and assist the movement.

They were about three hours in doing this and altogether they were 14 hours and 15 minutes on duty taking this train over a 103-mile subdivision.

On September 9, 1956, Train No. 976, Engineer McIntosh, 75 cars, going through Perdue, they were stopped by an emergency application of the brakes on account of a hot box two cars from the caboose. The weather was hazy, a foul day, and there was a hill that the train was sitting on. The engine was over one side and the tail end was over the other side and it was necessary, due to the hazy day, for the fireman to go back 20 cars and relay signals to the engineer while they were setting off this hot box in the yard at Perdue.

About the end of May this year -- I haven't a date for this; this was reported to me -- Engineer S. Stephenson, switching with a hand-fired steam engine in

6) Saskatoon yard, was backing up spotting cars in front of him. A truck backed up across the track to Shelley Brothers platform and went to work. Fireman Skakeam looking back stopped the movement before it collided with this truck.

On May 16, 1957, at the Broadway crossing at Yorkton, Train No. 72, a small girl about five years of age wandered up to the track from the left side. Fireman McKinnon warned Engineer Sweedburg, who made an emergency stop. People came and took the girl away.

I have not the date on this one. Engineer Graham, switching engine 1035, at Wynyard, preparing to go out on 977 around 17.30 kicked a car into the west end of No. 3 and then went into No. 4 and headed out of No. 4 with cars and Fireman Lusack noticed the car coming out of No. 3. He stepped off his engine onto this moving car and put on the hand brake, shouted to the engineer and the movement was stopped with that car touching the engine. It was necessary to go to the elevator and get a pinchbar to move this car away from the engine before they could complete the move.

In Sutherland yard -- I am now getting away from specific instances.

BY THE CHAIRMAN:

Q You proceed and tell us what you want to say?

A Working in Sutherland yard they have to work over a public highway. The engineer is watching moves ahead at all times and the fireman, as now, is watching this busy crossing when they are working over the lead.

The engineers feel that they would not be able to do an efficient job of switching in Sutherland yard if they had to be watching for signals at all times and at the same time keep an eye on this crossing over which they work.

We have a number of points like this where switching is done over crossings and the engineers feel that they should have a helper on the left side to help them with these switch movements.

In Saskatoon yard there are nine street crossings at grade in a distance of approximately one-half mile between Avenue A and 20th Street. Avenue A and 20th Street are protected by flashing lights and warning bells, but the other nine crossings have no protection.

There are seven spurs to be worked over these nine crossings and the engineers feel that they should have a helper on the left side of these engines to watch these crossings while they are taking signals from the switchman.

In the same yard there is a S curve going out of Saskatoon yard from the Canadian National transfer which they work over a Canadian National diamond and public crossing coming together at 33rd Street and 2nd Avenue.

In making this movement the switch crew would have to be a considerable distance on both sides, whichever side the engine happened to be headed in making this movement, and the engineers feel that there should be some protection in watching the board. This is a low, dwarf stop board protecting the Canadian National diamond and also for going over this crossing at 33rd Street and 2nd Avenue.

Then again just recently on June 23, I went out with a brakeman who had no watch. It seems to be the practice for junior brakemen who have just been hired on to not have watches. If there was no other man on the engine there would be only one standard watch at

the head end of the train. The engineers also feel that that practice would need to be corrected or we should have two standard watches on the head end of the train.

Then we have a situation up there -- I don't know whether this has too much bearing on this situation -- but on May 16 I was alone with my fireman in the bunk house at Wilkie. We were ordered for 8 o'clock, train 976. We cooked our breakfast and just as the fireman sat down to eat his breakfast he had a heart attack and collapsed. He just got out of the hospital yesterday, or the day before yesterday.

We have a number of such bunk houses on the Saskatoon Division, such as at Gunnworth, Strasbourg, Neudorf and other places where the engine crews are alone and the engineers wonder what would happen to them if they were alone and had no help in a case of that kind.

In this case I was able to go to shop and have the shopman call a doctor who arrived in 15 minutes and took this man to the hospital. Otherwise he would have been in this bunk house alone in this

particular case for something over one hour. The engineers feel that some provision should be made if they are alone in such circumstances, that there should be help readily available. I think that is all, sir.

THE CHAIRMAN: Any questions, Mr. Lewis?

MR. LEWIS: No, sir.

BY MR. SINCLAIR:

Q Is the fireman ever alone at home?

A I don't know that.

Q These specific moves that you were talking about, three at the beginning I think in the Saskatoon yard, In the first one you said it was impossible to see the brakeman, and then I think you went on to say unless the tail end came up?

A This was the movement with Train 976 at the stockyards?

Q My note is "impossible to see brakeman backing in unless tail end comes up." If the tail end comes up, in the first instance you gave where you had difficulty giving signals, there would be no difficulty in the men positioning themselves to give signals direct to you?

A Yes. I cannot get signals at the stockyards from the right side.

Q The first instance you spoke of you referred to backing in on the left side.

Remember that? I don't know if I have it complete. I am not dealing with what you called incidents, but with those places where you said the situation was such that the fireman was used as a signal passer?

A I believe this was at the stockyards. The first instance was where we were setting off stock with Train 976.

Q I am not talking about that, that had to do with an incident that you were speaking of; I am now talking about your general evidence in the beginning as to why the enginemen had the views they had. One was that it was impossible to see the brakeman backing in the left side unless, and then you went on later and said unless the tail end comes up. Do you remember what you said here?

A I think that was in connection with the stockyards movement.

Q If the tail end comes up then the signals can be given direct to you?

A No.

Q Why did you say unless the tail end comes up? Are we are cross purposes? I have a note that you were talking about an incident with Train 976, 75 cars on September 9. That is not what I have reference to. You gave three instances just before reading the bulletin of

April 28, 1947 having to do with Wynyard, and two of them were at Saskatoon.

MR. LEWIS: I think what my friend is talking about -- according to my very brief notes -- was the Saskatoon stockyards which were to the right of the engine and he would have to wait for the tail end man to come up.

BY MR. SINCLAIR:

Q If the tail end man comes up then you can give signals there?

THE CHAIRMAN: He said no.

THE WITNESS: No.

BY MR. SINCLAIR:

Q If the conductor and the tail end man come up?

A Then they give signals from the left side.

Q I am asking if the tail end man and the conductor come up and work with the head end man, that would be three men, they can position themselves so as to relay signals directly to the engineman, can they not?

A In this instance, yes they could, except they have to be riding on the platform to spot these cars to give them on the right side.

Q Then you had a double S curve right near the ice house; that is another one?

A Yes.

Q Your difficulty there was when there was only one brakeman?

A That is right.

Q With the balance of the crew there would be no difficulty relaying signals to you?

A If the balance of the crew would come up there would then be a man riding the engine and one riding the point so that we would be able to see on both the right and the left as the point man went around those curves.

Q Then at Wynyard -- I don't know if you meant this -- you said the head end crews were asked to set off or lift, and then in support of that you presented this bulletin?

A This bulletin, yes sir.

Q That does not say "head end crews", does it, as I heard you read it. Could I see it?

A You may not be able to read my writing.

Q I cannot. It does not say "head end crews", does it? It says "crews"?

A (Reads).

"To avoid the possibility of any delay in putting Train No. 976 through Wynyard the incoming crew is to do the necessary switching with the road engine."

Q It is the crew which is to do one end and the outgoing crew is to do the other end?

A That was the intention of the bulletin,

the outgoing crew would be switching the tail end of the train while the engineer and the brakeman would be making this movement switching the head end of the train.

Q You mean the crew is split?

A That is what we have been doing.

Q What you are saying is that they split the crew, that when you are switching the head end you work with yourself, the fireman and one brakeman; is that right?

A Yes, that is what we do. Pardon me, just a minute. In splitting the crew, there is the outgoing crew with the switch engine switching the tail end of this train. Our crew, our tail end crew is possibly normally about 80 cars back.

Q They assist --

A And to facilitate the move, the intention of this bulletin was for us to switch it with the brakemen while they were walking up those 80 cars to the station to register in.

Q I do not read that in the bulletin?

A That is the way we do it.

Q You never have had specific instructions to switch with only one man, or have you?

A No, we did not get specific instructions to switch with one man.

- Q If two men came up the move could be made quite easily with signals direct to you?
- A That is right; if two men came up there would be no object in us doing the switching because by that time the outgoing crew would have their work done on the tail end and the purpose of this bulletin would be defeated, to facilitate the movement of this train.
- Q Even if one man came up?
- A That would give me two men; yes, we could take signals on the right side at that particular spot with one more man.
- Q When you are working with just a three-man crew you do it safely and efficiently?
- A Yes, we can do it with the fireman watching the crossings and watching the movement on the left side.
- Q Then there was the incident with Engineman Huff, Train 80. That was the student trainman. By the way, Mr. Gwynn, who gave you this information? These are notes that you have, I take it, in each of these cases?
- A The engineers who have signed this petition that I read gave me that information.
- Q Did you make the notes yourself?
- A I did, yes.
- Q They are in your own handwriting?

A They are in my own handwriting.

Q In that case did you take the trouble of getting in touch with the conductor to see what instructions he gave the student trainman?

A I did not.

Q You do not know where the conductor was positioned?

A I do not.

Q Or where the balance of the crew was positioned?

A No, I do not.

THE CHAIRMAN: I do not quite understand where this student was.

MR. SINCLAIR:

I understood from the note that Mr. Gwynn had from Mr. Huff that he was riding the side ladder of the tender on the left side of a steam engine and they were pushing back past a platform.

THE CHAIRMAN: I am just asking the position.

BY THE CHAIRMAN:

Q Is that right?

A That is right.

Q It was not a diesel engine?

A No.

BY MR. SINCLAIR:

Q Now, on June 14 you had a drawbar 75 cars from the head end, and you say there was

heat haze?

A That is what I called it; it was distorting the signals.

Q This engineer told you that the fireman went back 25 cars to be in position to relay signals up to the engineman?

A That is right.

Q The various moves were made in that case with the fireman and the other three men passing signals up the train?

A That is right.

Q They would make a number of passes back and forth in doing that?

A I dare say they did on account of the draw-bar being out and having to be chained.

Q Then on September 9, a train of 75 cars and the fireman went back 20 cars. That was Train 976. That was because of weather conditions and the difficulty of sending signals. How big was the cut of cars? You didn't say how many, or if you did I did not get it down.

A Seventy-five.

Q That was at Perdue; how many cars back from the engine?

A The hot box was two cars from the caboose.

Q So they would be making it in one pull?

A Yes.

Q Is there a passing track at Perdue?

A Yes.

Q Was the train too long to stand between switches?

A Yes. In any case they had applied the emergency brake as the tail end was close to the east switch in order to make the move.

Q Was the head end beyond the switch?

A Yes, the head end would be pretty near the full length of the train away from the switch.

Q The full length of the train away from the switch?

A Approximately. They left room to make this set-off when the air went off; there was room to make the set-off.

Q There was not room to cut out the engine and switch it out from the rear end?

A No, not without backing the whole train back through the yard again and then -- no, they couldn't have done it that way because with 75 cars they couldn't have got around the train again.

Q That is why I asked you.

A No. It is about a 56-car passing track there.

Q They could have made the move by making smaller cuts?

A They could have, yes.

Q But in any event they did make the fireman into a brakeman on that occasion?

A They did.

Q And made a number of passes and made the cut with four men on the ground while they pulled up 73 cars and shoved back the 73 cars?

A That was the movement, sir.

Q Then you made some reference to a dwarf signal at Saskatoon yard, I believe it was, and you said you wanted to have the fireman there to assist in getting signal indications?

A That is right.

Q Under the rules you must know what that signal is before you pass it?

A Yes, sir.

Q With a diesel engine backing up you can see it before you pass it?

A Backing up, yes, with a diesel yard engine.

Q And going forward?

A No, I would say not.

Q You cannot see it?

A You could not see it at all times over those curves.

Q Then with that situation and with you moving on signals you would have to turn the control of the movement over to the ground crew?

A That is right.

--- Recess.

GEORGE EDWARD WHITE, Sworn, Examined

BY THE CHAIRMAN:

Q Your residence and occupation?

A Calgary; trainman.

Q Yes, proceed.

A Mr. Chairman and gentlemen of the Royal Commission, it is most gratifying to live in a free and democratic country where we as a group of common men have an opportunity to express our views on a proposal which vitally concerns our personal safety and welfare.

I have here a petition from Lodge 663 of the Brotherhood of Railway Trainmen signed by 80 conductors and trainmen protesting the removal of firemen-helpers in freight and yard service. It is the unanimous decision of all that this man is still an essential member of a crew in maintaining the standards of operating efficiency and safety, which our occupation demands.

The opinions of the men forwarding this petition are based on years of practical experience which has been handed down from generation to generation of railroad men, put to the severest tests, and passed by the school of experience. The removal of the fireman helper will leave us in a most dangerous and

hazardous position at many times. The additional risks and dangers thrown upon us are of grave concern to ourselves and families.

Our craft is amongst the most dangerous in industry which is well pointed out by the additional insurance premiums we pay. We also have numerous men working baggage cars today minus limbs who have suffered the hazards of the occupation and vivid memories of those who have lost their lives.

The loss of this crewman will not only penalize us on the left side but the movement of the head end trainman will be greatly curtailed. Most moves on a railroad are predetermined, but emergencies which are unforeseen arise. The reaction can only be obtained by each and every member doing his duty and being in a proper position at all times.

The removal of this man will necessitate a good deal of our work to be performed on the tops of cars. Anyone who has walked through a moving train knows the difficulty encountered even when you have a place to maintain your balance. It has always been stressed upon us that the best place to operate from is the safest, therefore in forcing us to unnecessarily maintain a position on the top of cars is asking

the men of this craft to endure additional hazards. Besides the usual daily hazards in this position, the weather conditions make it tougher. Rain, snow, high winds, freezing temperatures and poor visibility add to make the difficulties that much more dangerous. One misstep could spell death. You learn to respect this position by avoiding it wherever possible, or unlike the wiser ones you do not last. Many men have suffered bad falls off the tops of cars, myself included.

In March, 1949 at Kananaskis on the west way freight at Loders lime spur I was thrown from a car when a brake I was setting released. This took place on the left side, the fireman being the only man in a position to see me fall. He immediately had any further movement stopped and was the first man to me. I was in a position across the rail and due to the temporary disability suffered I was unable to move. It is my firm conviction that the presence and action of this man saved my life.

Our territory is far from flat and level, as is the case of most railway properties. Lakes, rivers, high cuts, severe curves tend to aggravate the difficulties. Double reverse curves tend to make it difficult to operate safely even under

ideal conditions.

In our mountain region care is much more heavily stressed. We have conditions here that the slightest failure can be disastrous, not only to life and limb but to the equipment with which we are entrusted. Any trouble in this region will find that every member of the crew has to cooperate in order that we can get on with the work of moving the freight. Storm conditions can become most unbearable. Strong east winds block cuts causing doubling of stalled trains, sometimes in several pieces. The nature of this terrain demands that the sole use of the left side is essential on parts of almost any mile in the particular territory. We also have slides, falling rock, steep grades to make the duties that much more demanding and dangerous. Every member of the crew in this region has to put that little more care and vigilance into his work while working in these rugged and demanding regions where each curve can mean death.

Ordinary switching moves are in themselves a most dangerous way to earn one's living, not having to take into consideration any of the unusual aspects that may arise. The company have attempted to try

out an operation on the north way freight where the helper was not required. It was without a doubt one which the men concerned found a very good experience to know the additional dangers and work that would be thrown on their shoulders. The men involved in this test are very concerned if this ever became a practice. The enforced positions on tops of cars and a complete slowdown of simple moves are not in keeping with the advances our industry has been attempting to make.

Close clearances and obstructions along an elevator track make it necessary to operate on the left side or from the doubtful position on the top of a car. The efficiency of a crew is severely handicapped in doing this type of work if short of the vital lookout on the left side.

The public and workmen crossing between these buildings is at all times of vital concern. The fascination a railroad has for children needs our constant vigil. The blind side would not only be very dangerous, but difficult if not impossible to watch without this essential protector on the offside of any movement.

In addition we must constantly be on the alert for other employees engaged in the various railroad occupations. In a

large terminal like Calgary there are, I would say, close to a thousand people moving about the various yards during a 24 hour period. These craft are numerous such as switchmen, hump riders, ropers, switch tenders, yardmasters, stationmasters, call boys, messenger girls, checkers carmen, coach cleaners, box car cleaners, bleeders, oilers, grain inspectors, policemen, conductors, trainmen, enginemen, firemen, maintenance of way men, and many others.

When we clear a terminal, no matter what kind of train, through or pick-up way freight or mixed, we have no guarantee that all will be clear sailing. At any time any one of a crew may be called upon to perform an unusual task. We are trained in the school of experience to know what to do and act accordingly. These calls to perform unusual incidents not covered by operating rules are not as rare as one would believe. They can come at any time and in a good many of them the helper is required to play his part in a closely knit team. We are always on guard for these emergencies but a good many of them are not to be foreseen. Wherever they come on straight track, curves, severe grades, during all types of weather, 24 hours a day, each

and every member rises to the occasion.

A head end trainman's duties at times take him a considerable distance from the engine. This means the engineman will be all alone in the engine. We feel that this could be most serious in contributing to accidents such as sideswipes and any other affair that may appear from the left side. These can and are being averted by the presence of the helper who is able to call out to the engineman these conditions.

In closing this brief it would only be fair to give our observations from our experiences in assessing the difference between diesel and steam power. A good many things we have had to re-learn to use the newer power to advantage. We know most railroad men would be very reluctant to return to the days of the steam engine, back to the anxious moments when time would be running short as well as the steam gauge falling back. The diesel we have found is not the infallable machine accounts would leave one to believe. We still have our problems and our anxious moments. Time is still our enemy. The fundamental principles of railroading remain the same, it is still the battle of the men, plus the machine against the elements.

In presenting this brief on our views regarding the proposal of removing the fireman-helper from freight and yard service we sincerely hope that it has been of some help as we feel that this proposal is of vital concern to us as trainmen and conductors due to the additional hazards we would be confronted with in an already hazardous occupation.

MR. LEWIS: No questions.

BY MR. SINCLAIR:

Q Mr. White, you suggested that there was a thousand men in the Calgary Terminal in a 24-hour period?

A Yes, I believe I did.

Q But at any one time there would not be anywhere near that number, I take it?

A No, I do not imagine so. Those figures are strictly supposition on my part, taking into consideration the vastness of the operations in the yard.

Q You mentioned the grain and other people working in this terminal. In your experience as a yardman or trainman have you ever seen this card I am showing you which reads: "Grain inspectors have finished this car."?

A No, I cannot say right offhand I have seen that particular card.

Q Have you seen something like it?

- A I may have, but I cannot say right off-hand I have seen that card.
- Q Before you switch a grain train -- you have worked as a yardman?
- A No, I am a roadman.
- Q You have not worked in the yard?
- A No; just our normal duties connected with the road.
- Q This accident you had yourself when you were releasing a brake and fell?
- A I was applying the brake. If I said releasing, I was applying the brake.
- Q You said when you were setting the brake it released?
- A Setting, that is applying.
- Q You said you were tying it on and it released and spun you off balance?
- A I had it tied on and it spun me off balance.
- Q You were moving at the time?
- A Standing still.
- Q Was the balance of your crew working on the same side as you were?
- A No, the other crew was watching -- the conductor was up on the crossing and the tail end brakeman was at the gates of the right of way fence.
- Q Were signals being relayed to the fireman in that instance?
- A No, on the engineer's side.
- Q Were you participating in the signal

sequence?

A No, I was participating in protecting the cars that we had on the engine. We were backing out of the spur.

Q You had coupled on to the car that you were setting the brake on?

A We were coupled to it. The whole movement was complete in this particular spot.

Q You were up there to set the brake?

A Yes. We were leaving the cars on the high line on the way down.

Q You went up to set the brake and as you had it set it released when the car was stopped and spun you off balance?

A It was the old mast type of brake.

Q It spun you off balance as it released?

A Yes.

Q And you fell?

A Yes.

Q None of your mates were looking for you at all?

A They were in no position to see me. The car was right next to the engine.

Q That you were working on?

A Yes.

Q I asked you, Mr. White, whether they would look for you before they started the movement after you were on the stopped car?

A It is possible but highly improbable because this car would be pulled down and they would

more than likely get on the forward car as they pulled down clear of the right of way there.

Q But you generally look for your mates before you start a move?

A Well, you always try to keep them in sight at most times.

Q When you are a conductor with one of your men setting hand brakes do not you watch him to make sure he is clear before you begin the move?

A Yes, we keep a very good eye on our men. Safety is strictly what we are interested in.

Q I do not know that that answers what I put to you. I said when one of your men -- you are the conductor?

A Yes.

Q Is setting hand brakes on a car, before you start a move which would involve him in any way, do not you get him in view or see that he is clear?

A Yes, I would say we do. We are very conscious, as I am trying to point out, that we are in a very hazardous and dangerous position many times.

Q You have watched movements in the yard, Mr. White; train movements in the yard, cuts moving around?

A Yes.

Q You have seen cuts kicked in the yard with

five or six cars running free?

A Yes.

Q You have seen in the yard as a normal thing men riding on top of cars every day?

A That is right.

BY THE CHAIRMAN:

Q The observation you have made with regard to men riding on the tops of cars every day, is that in all kinds of weather?

A Yes. We have to. At many times it is essential for us to go up there in all types of weather under all types of conditions.

Q There are not conditions where you do not go up?

A I would say that the safety on the job overrules any condition that might force us up.

Q Have you experienced conditions where you felt it was unsafe to go up and did not go up?

A Yes, I would say most definitely.

Q Then what do you do if you are on the road?

A We endure and just -- I wouldn't say take a chance, but we must exercise, as I pointed out in the brief, considerable caution.

We realize in our craft that that position is hazardous.

Q No, what I am putting to you is this: if you are on the road and found a weather condition which says to you that you cannot go up and you do not go up --

A No.

Q You have never found that situation?

A No, we would not; we must definitely go up if it is necessary to go up.

Q And then --

A We are obligated to do it.

Q Then you simply exercise more care?

A You would have to exercise certainly more care and assume additional risks.

Q I assume the whole crew, including the engineer, would take that into consideration in the moves that would be made?

A Definitely. We have to be that much more cautious. In other words, things would be slowed down under those conditions considerably.

Q And you would be taking a chance?

A We just have to take time.

Q Then you referred to the north way freight being operated without a fireman?

A No, I will tell you what happened, sir. The fireman was on there but he was not allowed to receive signals. They were going to operate it under the idea that the fireman was not present, but he was there in body alone.

Q He was not used as a signal passer?

A He was not used as a signal passer.

Q What have you to say about that?

A Our men are very concerned about it. The

men are out of position from where their actual labour is in a good many instances and we feel that enforcing these extra duties and hazards on us is not in keeping with -- I do not think it is in keeping with what this industry is trying to do today. Speed and efficiency is of the utmost importance.

Q You are speaking in generalities, Mr. White; can you be more particular?

A Like the actual operation, you mean, sir?

Q Yes; what is your criticism of the actual operation?

A In a good many places where the grades are severe, on the north way freight at a point like Crossfield and left-hand curves, it is admitted that you can use the head end trainman on top to pass signals, but a more practical position I would say for him would be down where the actual switching is taking place so that he can look after these cars and line the switches and in other words expedite the work.

Q Can signals be passed directly to the engineer under those circumstances?

A No. Under normal circumstances possibly you could do it if you stood out on No. 2 A highway, but then you would still be losing the services of that man. The thing is to get the man where the work is being

performed.

Q But it can be done?

A It can be done; you cannot deny that.

Q It simply takes a little more time?

A It takes more time, and I would say we have more hazards.

Q What do you mean by that?

A The fact that by forcing us on top of cars when we ordinarily would not have to go, and being short of a man at the point where the switching moves are being made and cars are running back and cars will run ahead of you. You will be short of the services of this man who is actually the work horse of the crew.

Q We have been told that the preferable way to give signals is directly to the engineer because it eliminates the possibility of error?

A We always try to pass them to the engineer, definitely.

Q You must balance those considerations?

A That is right. When we come to a point where we figure that we cannot operate efficiently on the engineer's side we take the next best thing, and that is on the left side.

9) Q Then you increase the possibility of error?

A Well, as I am trying to point out, there is that margin of error, yes, as we prefer the other side.

EDWARD GUSTAVE MOHR, Sworn, Examined

BY MR. LEWIS:

- Q Mr. Mohr, where are you from?
- A Moose Jaw.
- Q You told me that you joined the Canadian Pacific as a wiper on June 26, 1944?
- A That is right.
- Q And that you were promoted to fireman in October, 1944?
- A That is right.
- Q And that you wrote the necessary examinations on the rule book and were qualified as an engineer in 1951?
- A That is right.
- Q You have not been regularly set up as an engineer yet?
- A Never been set up as an engineer.
- Q So that you have spent almost all your time as a fireman?
- A That is right.
- Q With the occasional running of an engine when your seniority permits, I suppose?
- A Yes.
- Q What has your record with the Canadian Pacific been with regard to demerits?
- A As far as I can remember I have only been penalized with five demerit marks.
- Q Recently or some time ago?
- A Six or seven years ago, anyway.
- Q That is all you can recall since you joined

the Canadian Pacific in 1944?

A That is right.

Q Mr. Mohr, you worked on a job in Moose Jaw with Engineer C. Hopper at one time, did you?

A That is right.

Q Do you remember how long ago?

A I believe it was March 3.

Q March 3 of this year?

A That is right.

Q You were working on what job?

A We were on what they call the B-A job.

Q Was it a night trick?

A No, a day trick.

Q Do you remember the engine?

A 3636.

Q Was that steam or diesel?

A Steam engine.

Q What kind of steam engine?

A Oil burning.

Q Oil burning?

A Yes.

Q An incident occurred during that trick on March 3, 1957. Would you please tell the Commission about it?

A We were proceeding up the westward traffic track.

Q In the Moose Jaw yard?

A In the Moose Jaw yard, to pick up some cars in D yard that we had to take down to the B-A oil refinery. When we got opposite

D yard lead there was a switching operation going on there and I noticed one of the switchmen walk a little close to the track we were on and I advised the engineer to slow down. I seen this man was not going to go clear and I hollered to the engineer to stop immediately, which he done. As we stopped we struck this man and knocked him off balance and he fell forward on his hands onto the ground.

Q Was he hurt, do you know?

A No. He got up and kind of shook himself and walked on.

Q Do you remember the name of that man?

A Yes, his name is Len Cameron, a switch foreman.

Q Where were your ground crew?

A They were riding the footboard on the back of the engine, our engine.

Q Were you a light engine?

A We were a light engine.

Q Going to pick up your cars?

A That is right.

BY MR. SINCLAIR:

Q In Moose Jaw, with a steam engine the yardmen cannot ride the front, on the leading footboard in the direction of the movement?

A That is right.

Q With a diesel engine they do ride there, up

on the steps and on the platform?

A That is right.

THE CHAIRMAN: On the side.

BY MR. SINCLAIR:

Q On the side and on the platform?

A They can ride the front of the unit, only not on the footboards.

JOHN LEROY SKOBERG, Sworn, Examined

BY MR. LEWIS:

Q Mr. Skoberg, you live and work out of where?

A Moose Jaw, Saskatchewan.

Q You told me you joined the Canadian Pacific as a wiper in January, 1944?

A That is right.

Q At Moose Jaw?

A At Hardisty, Alberta.

Q You were made foreman a month later?

A Approximately a month later.

Q Still at Hardisty?

A Yes.

Q You were qualified as an engineer in 1951, is that right?

A 1950 or 1951, approximately that time.

Q Where did that occur?

A Well, the final exam was taken in Moose Jaw.

Q You have lived in and worked out of Moose Jaw since?

A 1950.

Q You were a fireman, were you, on an extra east train -- perhaps you will remember the date -- with Engineer W. McCormick?

A That is right.

Q Can you remember the date?

A I believe it was around March 30 of this year.

Q What was the number of the engine extra east?

- A It was a Trainmaster, 8900.
- Q Is this the trip ticket of that trip?
- A Yes.
- Q Can you see what the engine number is there?
I could not find it.
- A March 30 was the date and 8916.
- Q You were going where?
- A We were going to Broadview.
- Q From Moose Jaw?
- A From Moose Jaw.
- Q And an incident occurred on this trip that I would like you to tell the Commission about, Mr. Skoberg?
- A Well, we were ahead of a passenger train, a Winnipeg passenger train, and we headed in at Regina to clear her time.
- Q What was the number of this passenger train?
- A No. 58. As we headed into the siding we had some cars to set off there at Regina. We pulled into the siding and then backed down the main line to set these cars off. As we backed down the main line there was a slab across the track, I would say approximately 8 feet in length and 3 to 5 inches in thickness, across the westward main line.
- Q This is a double track?
- A This was a double track operation.
- Q You were on the eastbound line?
- A We were on the eastbound backing down.
- Q This Train 58 you were clearing was about

where?

A It would be behind us, it was coming from Moose Jaw.

Q Go ahead then. You saw this slab on the track?

A On the westward main line.

Q Not your line, but the other one?

A On the other one. I called the engineer to stop, which he did, and I removed it, the tie or the slab, and then we advised the Investigation Department at Regina of this incident right away.

Q At that time was there or was there not a train coming westward on that track on which you found the slab?

A There was a train closely approaching from the east at that time, No. 957 was the number of that train, a single train.

Q A single freight train?

A Yes.

Q Do you know whether it was close to you or still pretty distant?

A It would be within a quarter of a mile at that time.

Q Have you any idea from your experience as to what might happen if the slab had remained on the track?

A There is every possibility there could have been a derailment of that symbol train.

Q Could the engineer have seen this westward

track?

A No, he could not; my engineer, you mean?

Q Yes.

A No, he could not. It was all on my side and he would never have seen it.

Q What about the train crew, the conductor and the two trainmen, where were they?

A The conductor and the tail-end man were back at the tail end of the train, just after we had headed in, and our head-end man was riding the point, the lead car. We had 20 cars we were backing down and he was on that point.

BY MR. SINCLAIR:

Q This slab that was on the track, what did you say about its size?

A Approximately 8 feet in length and 2, 3 or 5 inches thickness.

Q It was lying between the rails?

A No, it was lying across the two rails.

Q Across the two rails?

A Right across.

Q You think from your experience that that would have been sufficient to derail the engine of No. 957?

A There was every possibility with the diesel unit on 957.

Q You don't think it would have knocked it clear?

A No. There was every possibility it could

have derailed it.

Q You have had experience hitting ties when you have been on engines, ties across the track?

A No, never.

Q Have you ever heard of it?

A No, I have not.

Q What experience have you had hitting pieces of wood across the tracks?

A I have had no experience.

BY THE CHAIRMAN:

Q You were on the eastbound track?

A We were backing down the eastbound track.

Q You were on the eastbound track at all times?

A We were on the siding; our train was, and we were just backing down with this set-off we were setting off at Regina.

Q Had you noticed this obstacle on the west-bound track when you came east the first time?

A No. I was looking back for signals, getting in the clear of the main line.

Q You do not know whether it was there or not at that time?

A No, I don't know at that time.

BY MR. SINCLAIR:

Q Just one question, if I may. Mr. Skoberg, the head trainman who was riding the point, he had gone past this?

A Yes, he had. It was very dark, it was around 8.30 at night.

Q Had there been any inspection made at this time of your train?

A No.

Q Had the rear end crew started up?

A No. We just got into the clear.

Q They hadn't started yet? You had a cut of 20 cars and were backing them down?

A No; the rear-end crew were still at the tail end.

Q I asked if they had started up?

A No.

Q They would come up --

A They would.

Q To inspect --

A And assist in the switching.

Q They would come up to inspect their train?

A They wouldn't come up that far, not at that time.

Q But they would have to come up to inspect their train?

A Not at that time.

Q They were giving signals to you, with one man working, one of the train crew, is that right; the man on the point was relaying signals to you?

A No, he was on the right-hand side, on the engineer's side.

Q You were setting these off by relaying signals

direct to the engineman?

A Yes.

Q Is there a section force at this town?

A It was not on duty at that time.

Q There is a section force at that town?

A Oh, yes.

Q And an operator?

A Yes.

Q Was the operator on duty?

A Yes, 24 hours.

Q Is it around-the-clock operation?

A Yes.

Q When did that man come on duty who was there
when you went through?

A The operator?

Q Yes.

A I don't know what shift he was on.

OSCAR LELEUX, Sworn, Examined

BY MR. LEWIS:

Q Mr. Leleux, where do you live and work out of?

A I work out of Calgary.

Q You told me you were hired as a fireman by the Canadian Pacific in October, 1944?

A Yes.

Q And that you were qualified as an engineer in June, 1953, was it?

A That is right.

Q Both in Calgary?

A Yes.

Q Have you been set up as an engineer yet?

A No, I have not.

Q Mr. Leleux, do you recall being on a westbound train from Medicine Hat to Calgary in March of this year?

A Yes.

Q Do you remember what engine you had?

A 8911.

Q That is a Roadmaster?

A That is a Trainmaster.

Q Do you remember the name of the engineer?

A W. R. Splane.

Q An incident occurred on that trip, Mr. Leleux, which I would like you to tell the Commission about, if you please?

A As we were at Gleichen we had to go back and pick up some cars.

Q That was at Gleichen?

A I was running the engine at the time and Mr. Splane was relaying signals to me.

Q Where was he?

A He was on the fireman's side. We coupled on to one or two cars and we were moving slowly back going to couple on to some more and at this time Engineer Splane said to me, "Stop" and I stopped.

Q You said "Engineer Splane"; he was acting as fireman?

A Acting as fireman.

Q He told you to stop, and did you stop?

A I stopped. At that time he said, "Oh, gosh, we have hurt a brakeman." So we all got off the engine and the brakeman was out there on the side. There was snow on the ground at the time. He was moaning. We didn't know what was the matter with him, if he had got run over. He didn't seem to be run over. He said his arm was broke.

So we called a doctor at Gleichen. The conductor went to call a doctor and apparently he had broke his arm in two places.

Q Where had he been before that?

A He was riding the cars, the top of the cars as we were moving back slowly. I didn't see him, the engineer did.

Q Who was acting as your fireman?

A As the fireman. He saw everything. He

didn't see him fall; he said he didn't see him fall.

Q Was this in the daytime or at night?

A It was in the daytime; it was around 14.00 o'clock.

Q That would be 2 o'clock?

A Two o'clock in the afternoon.

Q Where was this trainman lying on the ground when you went off the engine?

A He was lying off on the side of the ground away from the track. Apparently he had come out from underneath the cars.

Q You were backing in at the time, were you?

A We were backing in at the time, yes.

Q Where was your train crew?

A The conductor had been coming out of the station. He had registered there. The tail-end brakeman had been back releasing brakes, I guess, at the tail end, at the back track and getting ready for us to couple on coming back.

Q Which one of the trainmen fell and was hurt?

A It was the head-end brakeman fell.

Q Was he the only one of the train crew with you as you were backing up?

A Yes, he was the only one of the train crew with us, that is as we was backing up.

Q So that it was his signals you were working on?

A Yes, we were working on his signals.

Q Do you know from your own knowledge whether he was giving those signals from the ground or from the top of the cars?

A I think he was giving them from the top of the cars. There was a little, slight curvature back there.

Q And the signals at that time --

A Were given from the fireman's side.

BY MR. SINCLAIR:

Q You do not know whether this man fell or was hit by the cars?

A I didn't see it. He said he fell; I don't know.

Q Who said he fell?

A The brakeman said he fell.

Q You don't know if he fell off the car or fell down?

A No, I don't.

BY THE CHAIRMAN:

Q When these signals were being given to the man who was acting as fireman you said there was a little curvature there; which way was the curvature from the fireman when he was looking back?

A The curvature would be in his favour, the fireman's favour. The engineer could not see with that little, slight curvature.

Q Could not see what?

A The brakeman.

Q On top of the car?

A Yes. There was a slight curvature.

MICHAEL PASTERNAK, Sworn, Examined

BY MR. LEWIS:

Q Where do you live and work out of?

A Calgary.

Q You informed me that you joined the Canadian Pacific as wiper on May 22, 1943?

A That is right.

Q In Calgary?

A In Calgary.

Q And that you were promoted to fireman in August, 1943?

A That is about right.

Q Still in this city?

A No, this was in Medicine Hat.

Q Then you worked as a fireman and you qualified as an engineer, you thought in June, 1951?

A May, 1952.

Q In Medicine Hat or Calgary?

A Calgary.

Q You have not been set up as an engineer yet?

A No, I have not, but I have run a lot of trains.

Q Pardon?

A I have run a lot of trains.

Q But for most of your time you have been employed as a fireman?

A That is right.

Q Do you remember a trip you made on the Brooks Subdivision on January 23 of this

year?

A Yes, it was about 8.15 at night. We had a message to pick up cars at Tilley.

Q I said Brooks Subdivision; what is covered there?

A That is between Medicine Hat and Calgary.

Q You were coming --

A Westbound, No. 957.

Q That was your train number?

A Yes.

Q What kind of engine did you have?

A 8900.

Q One unit?

A One unit.

Q You were at the point of saying that you had been told to pick up a car at Tilley?

A That is right.

Q Go on.

Q When we arrived there we took the siding for Train No. 2 because we figured we could not get out of there anyway.

Q What train is that?

A Train No. 2. We took the siding. The head-end trainman cut us off and took us to the back track. Then we found that this car, instead of being the first out was about four or five behind so it was necessary --

Q The car you were to lift?

A Yes. So it was necessary to join all these cars together as they were on the spot. Well, it

appears this trainman went up on top to release the hand brakes and he was backing me up slowly.

Q You say he was backing you up?

A Yes.

Q Were the signals being given --

A On my side because of the elevators and grain spouts sticking out.

Q You were receiving the signals and passing them to the engineer?

A Passing them to the engineer. All of a sudden I saw a lamp fly out into space. So I told the engineer to stop and the movement was stopped immediately. I put on my coat as it was snowing and blowing this night and I walked back to where the lamp was. I found the trainman lying on the rail with his back about directly in the middle of the rail, the rail in the middle of his back.

Q I am sorry, I didn't hear you; he was lying on the rail?

10)

A Lying on the rail.

Q With his back -- what about that?

A The rail was directly in the middle of his back. So the first thing I asked him was whether he was hurt. He told me he couldn't move his legs. I cannot remember whether the tail-end man -- yes, he showed up just about the time I got to him and he asked us to try to stand him up.

- Q Who asked you?
- A This injured trainman. When we stood him up he said his one leg was all right but he couldn't move the other. So then we thought of getting him to a doctor but he said he could make the next town where there was a doctor available. So we pulled the train up and put him on the caboose and took him all the way to Calgary.
- Q This you say was 8.15 in the evening?
- A About that, yes.
- Q It being January you would be giving signals by lantern?
- A By lantern; it was completely dark. There are no lights around there, no town lights or anything. It was completely dark.
- Q How many tracks are there at Tilley?
- A There is the main line, No. 1 pass track; No. 2 pass; and the back track.
- Q Just those four tracks?
- A That is right.
- Q Which one were you on?
- A We were in the back track.
- Q Was he lying across your track when you found him?
- A No, he was lying on the track next to the back track, on the rail.
- Q On the rail next to the back track?
- A Yes.
- Q That would be north, south of the back track,

or east or west?

A South of the back track.

BY MR. SINCLAIR:

Q What time did you pull in, Mr. Pasternak?

A I would say we had at least 30 minutes before No. 2 was due there.

Q So you were going to be there 30 minutes in any event?

A We were going to get our engine into the back track and join these cars before No. 2 was due at the next station.

Q You were going to be at Tilley for 30 minutes to clear No. 2?

A That is right.

Q And when you stopped there the head man could have been on the engine to take you over to the back track?

A That is right.

Q And the conductor and the tail-end man, they were coming up, were they?

A They were almost up; they were at the end of these cars in the back track as we were making the joint.

Q They would have been there and available to assist in the switching within a few minutes?

A Oh, yes.

Q If they had positioned themselves, the three of them, the head man and the other two men, signals could have been relayed directly to

the engineman?

A I don't think so.

Q Could not one man position himself in such a way as to be in sight of the engineman?

A I cannot see how it could have been done.

Q Why?

A This locomotive had no back windows.

Q Was this a passenger with a double boiler in the back?

A That is right.

Q A square end?

A That is right.

Q So that in order to pass signals direct to the engineman the head trainman could have continued to ride the engine on the left side and he could have passed them across the cab?

A If he rode the engine in my position.

Q You mean if he had remained in his own position on the engine he could have relayed the signals across to the engineman?

A Well, if he was on the left.

Q That is his position?

A It is mine too, so far.

--- The Commission adjourned at 12.30 p.m. until
2 p.m.

Wednesday,

July 3, 1957.

AFTERNOON SESSION

---The Commission resumed at 2.00 p.m.

WILLIAM ARTHUR DIXON, Sworn, Examined

BY MR. LEWIS:

Q Mr. Dixon, where do you live and work out of?

A I live in Calgary and work out of Calgary.

Q You told me that you joined the Canadian Pacific as a wiper on August 29, 1942?

A That is right.

Q And that after the war in April, 1946 you became a fireman?

A That is right.

Q Was that in Calgary?

A In Calgary.

Q And that you were passed as an engineer in June, 1951, was it?

A In May, 1952.

Q But you have not as yet been set up as a regular engineer?

A No.

Q Mr. Dixon, do you recall being a fireman on a passenger train some time in April, 1951, with Engineer McQueston?

A Yes, sir.

Q Something occurred during that trip which I would like you to tell the Commission about?

A Well, on April 17, 1951, I was called for the south passenger out of Calgary with Engineer Jim McQueston. On the way uptown after we had just passed 12th Street crossing I called to the engineer's attention that the train order signal was yellow. On hearing no answer from the engineer I looked and saw that he was all slumped over in his seat. He looked to be dead to me. So I immediately went over and stopped the engine.

BY HON. MR. McLAURIN:

Q Steam power?

A Steam power.

BY MR. LEWIS:

Q Was it a light engine?

A It was a light engine.

Q Where were you going?

A We were going uptown to get our train.

Q The train you had been called for?

A That is right.

Q By the way, you said it was a steam engine; was it coal or oil burning?

A It was an oil burner.

Q Do you happen to remember the number?

A It was 2354.

Q You say you saw the engineer slumped over; what did you do?

A Well, I went over and stopped the engine.

Q What happened after that?

A Well, then we had to go across another crossing,

which is the 8th Street crossing. I had to hop back and forth in the cab to make sure the crossing was clear. Then I took the engine across the crossing and I got an engineer off a yard engine to help me take it uptown.

Q Did you have any train crew with you at the time?

A No.

MR. LEWIS: That is all, sir.

MR. SINCLAIR: No questions.

AUDREY VINCENT MILLER, Sworn, Examined,

BY MR. LEWIS:

- Q Mr. Miller, you live and work out of Calgary; is that right?
- A That is right.
- Q And you joined the Canadian Pacific as a wiper on May 26, 1947?
- A Yes, that is right.
- Q And you became a fireman several months later that year?
- A I believe September.
- Q September, 1947?
- A Yes.
- Q Are you a qualified engineer now?
- A Yes.
- Q When did you become a qualified engineer?
- A I wrote up in October, 1955, but had to go back for the orals in the spring of 1956.
- Q That was, you said, the oral?
- A The oral on the rules.
- Q On the rules?
- A Yes.
- Q In the spring of 1956?
- A Yes.
- Q Do you remember working on a coachyard job at the Calgary station on March 18 of this year?
- A Yes.
- Q About what time did you start your shift?
- A I was called for 15.15 to go on duty at

15.00 or 3 o'clock.

Q I am sorry, you will have to speak much louder.

A I was to go on duty at 3.00 o'clock and the job commenced at 3.15.

Q That is 3.15 p.m.?

A Yes, sir.

Q 15.15 in your railway language?

A That is right.

Q Who was your engineer, do you remember?

A Harold Sangster.

Q Would you tell the Commission of an incident that occurred on that tour of duty on that date?

A We had set some cars off on the express track and got a proceed signal to go out and after we had got about 30 or 40 feet on I noticed a young man -- three of them came out and two of them stayed on the fence and one had jumped down in the centre of the track not noticing the engine coming, the bell ringing. I hollered to the engineer to stop, and he did right away. We stopped within two or three feet of the man and he didn't notice us until after we had stopped. Then he took off over the fence.

Q You say there were two fellows on the fence?

A Yes. There was three of them came up on the fence and one jumped down to the centre of the track, not looking, and he turned

around to talk to the other two apparently on the fence.

Q And when he turned around to talk to them how was he facing with regard to your engine?

A He would be facing north.

Q With his side towards the engine?

A His left side would be towards the engine.

Q This fence is on what side of the engine, on the engineer's side?

A On the fireman's side, on my side.

BY THE CHAIRMAN:

Q What kind of engine?

A Diesel.

BY MR. LEWIS:

Q Was it a yard diesel?

A Yes, a yard diesel.

Q Were you backing up?

A We were going ahead. The engines at the station work backwards onto their job; they go ahead but when they go onto their train they back on. We were going out with a light engine.

Q The nose of your engine forward as you were going out?

A That is right. There is a slight grade there to the right, so the engineer could not possibly see him.

Q And did you have any crew with you, any yard crew with you at the time?

A No. That is not the regular procedure; they stay back at the cars and go over to the

next track. We go out with the light engine and come back on board indication.

Q You say they go over to the next track?

A Or wherever the next train is to be switched, the cars or train.

Q Was your engine due to do some work on the track to which they had gone?

A Yes.

Q You may have said this and I am sorry if you did. When you stopped, how far were you from this man in the centre of the track?

A I would say about two or three feet.

Q And did you or did you not tell the Commission whether your bell was ringing as you proceeded?

A Yes, it was.

BY MR. SINCLAIR:

Q Mr. Miller, is this an interlocking plant?

A That is right.

Q You do not have to throw any switches?

A No.

Q The ground crew had to wait until you get over to the other track after making your move on the express spur?

A It is the usual procedure. We go out with a light engine and the ground crew crosses over to wherever they are going to do the next switching, whichever track.

Q They have to wait until you get up there before they can do any work?

A That is right.

Q They could ride out with you?

A They could, but it is not done.

Q There is nothing for them to do but wait until you get there?

A That is right.

BY HON. MR. McLAURIN:

Q Were they railway employees?

A Well, I believe they were freight shed employees.

MICHAEL JOSEPH BRENNEN, Sworn, Examined

BY MR. LEWIS:

Q You live, you told me, in Lethbridge; is that right?

A That is right.

Q And work out of Lethbridge?

A Yes.

Q You also informed me that you were first employed by the Canadian Pacific as a wiper on September 28, 1948?

A That is right.

Q And that you were promoted to fireman on December 30, 1948?

A That is correct.

Q And that you have written your first and second mechanical examinations but are not yet classified as an engineer?

A That is correct.

Q Or classed, I should say, as an engineer. Do you recall working an extra west on June 12, 1957, this year?

A Yes, I do.

Q Do you remember the engine number?

A 5243, an oil-burning locomotive.

Q An oil-burning locomotive?

A That is right.

MR. SINCLAIR: Extra 5243 west?

MR. LEWIS: Extra 5243 west.

BY MR. LEWIS:

Q What was this?

A It was a way freight job, a regularly assigned way freight job.

Q Would you mind using what the President of the Canadian Pacific refers to as a round-house voice so that I can hear you. On that job did you or did you not have occasion to set off some cars at Coleman?

A Yes, we had occasion to set off some 20 or 21 or 22 empty box cars into No. 10 track at the west end of Coleman yard.

Q And something occurred which I would like you to tell the Commission about, if you will

A After we had set off these cars we returned to the mainland whereon we coupled up and we had to make a back-up movement in order to back down the yard to clear a superior train, No. 74, which was coming in the opposing direction.

When we had made the joint the brakeman and the conductor were in their positions on the other side of the train. The tail-end man --

BY THE CHAIRMAN:

Q Which side was that?

A That was on the right side. The tail-end man had ridden the cut down into this track where we had set off the cars to see that the tail end did not go over the derail which was down in there.

The first thing I noticed after the

engineer had received a signal, apparently from the trainman, to move was a head coming through between a snowplow and a box car which was on our train. I looked over to the engineer and told him to hold it for a minute, there was a man crawling through the train. I thought it might have been a brakeman but after looking him over I discovered it was somebody that had nothing to do with our train at all. So he started to walk up between No. 10 and our train on the main line.

BY MR. LEWIS:

Q Who started?

A This particular man who had crawled through the box cars.

Q Between the tracks, and he started to walk up?

A Yes, between the set-off cars and the train on the main line. So I told the engineer it was O.K. to back up, he was clear. The engineer proceeded to back up and moved a couple of feet and I told him to hold it again because this man at this time had made an attempt to get into an empty box car while the train was in motion. Instead of getting all the way in he got halfway in and then teetered out and fell back underneath the car.

I told the engineer immediately to hold

the movement and I made preparations to get off and go back and see what was the matter with this man because after he had fallen out he laid in this position and didn't make a move.

Q Where was he lying?

A He was lying in between the tracks with his legs apparently over the rail.

Q Over which rail?

A Over the rail that was covered with our box cars. Then I made preparation to get off the engine and I moved the brakeman's seat out of the way and opened the door. By the time I was down the gangway the conductor was coming around to the box cars to see what was the matter.

Q What was the conductor's name?

A Tom Archibald. He reached this man before I could get to him and he examined him and then he carried him, lifted him up and packed him out of the way so we could make our back-up movement. He told me to get in the engine again because we had to get back into clear down in the yard in the siding for No. 74.

Q Is Mr. Archibald in the courtroom, do you know?

A Yes, he is.

Q To save having to call him, did you have occasion to see what was the matter with this

man?

A Apparently Mr. Archibald says he was drunk,
at least he smelled very highly of alcohol.

Q I wanted to get that on the record.

THE CHAIRMAN: I will accept that.

MR. LEWIS: I do not know whether you
want Mr. Archibald called or not.

BY MR. LEWIS:

Q When that was done did you complete your move?

A We backed up into clear and let No. 74 by.

BY MR. SINCLAIR:

Q This man was a transient?

A He might have been a transient or he might
have been a citizen living close to the
tracks.

Q But he had no business on the train?

A Well, it is customary for some people to walk
along those tracks to get to their homes.

Q I thought you said he was trying to get into
an empty box car.

A That was apparent. It looked to me as if he
wanted to go to the crow's nest for some
reason or other.

JAMES FRANCIS CULVER, Sworn, Examined

BY MR. LEWIS:

- Q You live and work out of Lethbridge, is that right?
- A That is correct.
- Q You entered the service of the Canadian Pacific as a fireman on May 20, 1948?
- A That is correct.
- Q And you have been working as a fireman since?
- A That is right.
- Q I think you told me that you have written the first couple of examinations but you are not yet qualified as an engineer?
- A That is right.
- Q Do you remember working on a yard shift in the Lethbridge yard on February 17 of this year?
- A Yes, I do.
- Q Do you remember the engine number?
- A 6520.
- Q That would be a yard diesel?
- A That is correct.
- Q And you were working on what particular job?
- A Afternoon yard.
- Q On the afternoon yard job?
- A Yes.
- Q At this time that we have in mind were you proceeding with a light engine or with cars?
- A A light engine in an easterly direction.
- Q On what track number in the yard?

A No. station track.

Q And the front of your engine, as you told us, was headed east?

A That is correct.

Q Was there or was there not another yard crew working in the vicinity?

A There was, on the track immediately to my left.

Q That would be track No. what?

A Track No. 1.

Q Would you go on in your own words from there and tell the Commission about the incident that occurred that day?

A Well, this crew on track No. 1 were engaged in pushing cars into this track.

Q Into what track?

A Into track No. 1. The trainman of that particular crew was walking alongside the cars relaying signals to his engineer.

Q Do you remember his name?

A Mr. Filgras.

Q You said a trainman; was he a member of a train crew?

A A switchman, pardon me, a yard switchman.

Q He was, you say, relaying signals to the engineer?

A He was. As he walked along he walked partially around the curve and he suddenly realized his engineer was unable to receive his signals, so he stepped to the right in order for the

engineer to see the signals and in doing so he stepped directly in front of our diesel.

I immediately hollered to my engineer to stop. Simultaneously I opened the front door of the diesel which was directly in front of me and hollered at this man to look out. He heard the warning and he leaped to the left and we missed him by approximately three feet. When we came to a stop we were five to six feet beyond where this man had been walking.

Q What was the engineer's name?

A Mr. Art Hubbard. This trainman talked to Mr. Hubbard approximately 30 minutes or 45 minutes later and he told him if I hadn't been --

Q Were you there when he talked to Mr. Hubbard?

A I was not; Mr. Hubbard told me.

Q I will not ask you to tell us what was said as you were not there at the time. What about your crew that was working with your engine, where were they?

A They were riding on the back footboard.

Q Of your diesel?

A Of our diesel, yes.

Q All three?

A Well, I won't say all three, but there was at least two on there but there could have been three of them. There may have been one on the station platform, I don't know. There

was none on the front, they were all on the back.

Q None on the front end of the engine?

A No.

MR. SINCLAIR: No questions.

HENRY GRANT CUNNINGHAM, Sworn, Examined

BY MR. LEWIS:

Q Mr. Cunningham, you live and work in this city, is that right?

A That is correct.

Q And you joined the Canadian Pacific as a wiper on April 30, 1948?

A Yes.

Q You were promoted to fireman in August of the same year, 1948, is that right?

A That is correct.

Q And you are still a fireman having written the first and second mechanical examinations but not the third, is that right?

A Yes.

Q Do you recall working on a hump job in the Calgary yard on October 10 last year, 1956?

A Yes, I do.

Q Do you remember who your engineer was?

A Engineer Bert Calkins.

Q Do you remember what particular hump job it was, what time of day?

A Well, it was what we call the 15.30 rip.

Q What were you doing at the time when the incident that I want you to tell the Commission about occurred?

A Well, we had just brought our train up to the hump and we were stationary when this incident occurred.

Q You were standing waiting for orders to start

humping the train?

A Waiting for the signal.

Q To start humping the train; whose signal would that be?

A That would be one of the switch crew or the foreman, whoever operates the signal which is operated from the hump. It is operated manually.

Q It is a ^{semaphore} ~~semi~~-fore signal?

A Yes, but I have no way of knowing who is going to operate it. One of the switchmen or the foreman will operate it.

Q You were standing waiting for that signal to give you the sign that you could start humping your train?

A To move ahead, that is right.

Q What happened then as you were standing waiting for the signal?

A The first thing was I noticed some tracks in N-4 which was to the left of us.

Q N-4, that would be the fourth track in N yard?

A Yes.

Q What did you notice on that track?

A There was some cars standing in there and I noticed some more cars being kicked in on top of the cars in N yard and when they made the joint I noticed the cars that were in there move. When we come up there I noticed they were very close to the lead -- they

would have to be. At any rate when they moved ahead --

Q You said you had come up there, what do you mean you had come up there and noticed they were very close?

A I am not sure, I cannot just remember where I got it, but I remember those cars were close to our train when we tied up our rip track and pulled up back. I had noticed the cars were close to the lead. They were clear, but I saw them move. I immediately thought they might run out and strike our train.

Q What, if anything, happened then?

A Well, if they contacted our train I wasn't able to see the point of contact; but if they contacted our train and we got aboard and moved ahead, we would move ahead and something would have to give.

Q You say, Mr. Cunningham, that these cars had been kicked in on top of cars which had been standing in track No. 4 in N yar ?

A That is right.

Q You say you had noticed the cars which had been standing were close and that when the additional cars were kicked in on top of those standing c rs they moved; is that right?

A I knew the standing cars had moved and I just presumed they were close.

Q What did you do, if anything?

A I told the engineer to just stand steady there, not to move until I had gone down to see if those cars had contacted our train.

Q Did you go down?

A Yes, I did, I went down and they had contacted the side of the train we were coupled to.

Q How far away from the engine or from the rear, can you remember?

A Yes; it would be between 25 and 30 car lengths from the engine where N-4 contacted our train.

Q N-4, was that on your side?

A Yes, it was on my side.

Q And where was your yard crew at the time?

A Well, the foreman was in the vicinity of the hump or yard office. I don't know where he was, but our crew had brought our train up to the hump and then they had gone up to the hump. When the train stopped they had proceeded on to the hump.

Q On what side of the engine or of your train were they, do you know?

A Well, they would have been on the engineer's side.

Q Did you see any on your side?

A No.

Q Any one of your crew on your side of the engine?

A No, I did not.

Q Just to have it clear before the Commission.

Was there at any time any movement of your train while this was occurring?

A No, our train was stationary.

BY MR. SINCLAIR:

Q When you went up to where these cars had come in foul from N-4, 25 or 30 cars ahead of you, did you see the ground crew of the other yard engine?

A No, they were not there.

Q Is that a gravity yard, N-4?

A You mean will cars run? Yes, they will run.

Q And the men usually ride them?

A Yes.

Q And a man rode those cars in?

A The ones that were kicked he rode.

Q And he rode those in and tied down the cars he rode in, did he?

A Well, he slowed them down. That is common practice on the cars he rode in.

Q How many cars were there between the man and the lead that you were on?

A I can only estimate from the position I was in, but I would think there were somewhere around 15 cars in that track.

Q You were at that time 25 or 30 cars away?

A I was back around the curve like, but our cars were on the lead which would put me a little closer than his 15 cars.

Q He was 15 cars away, the man that was on these cars, and you were 25 or 30 cars?

A I was almost opposite him when he got off.

Q You were almost opposite him?

A Yes, when he got off.

Q And the cars were foul. Did he go back to see if his track had been pushed foul?

A Did he?

Q Yes?

A No.

BY THE CHAIRMAN:

Q Did you say yes or no?

A No.

BY MR. SINCLAIR:

Q Then when you found the cars foul what did you do?

A When I found the cars had contacted our train I walked up to the yardman and told them not to give the engineer the word because he might go and then some --

Q Did you contact the ground crew of the other train that had pushed foul?

A No.

Q Did you report this to the company?

A Yes.

Q You reported it to the company?

A No, I told the switching crew; our switching crew.

Q And they reported it, do you know?

A Oh, yes, I believe so.

Q Were you at the investigation in this matter?

A There was no damage done.

Q You mean they were just standing beside the cars?

A That is correct.

Q If you had gone on you would have ripped one of the cars?

A If we had started to hump the train, yes, there would have been some damage, but as it was there was no damage.

BY MR. LEWIS:

Q Just to complete the story. I should have asked you if anything was done to those cars that were touching your train?

A No.

Q I do not mean any damage. How did you clear your train, if you cleared it?

A They got another engine to pull the cars back and then we were able to proceed.

MR. LEWIS: It was not anything controversial but I just thought it would complete the story.

JOSEPH GEORGE MISSLER, Sworn, Examined

BY MR. LEWIS:

Q Mr. Missler, you live in Winnipeg, do you?

A Yes.

Q And work in and out of Winnipeg?

A Yes.

Q You told me at lunchtime that you entered the service of the Canadian Pacific Railway, you think in the fall of 1942, as a wiper in Winnipeg; is that right?

A Yes.

Q To the best of your knowledge, and that you became a fireman about a year later?

A Yes.

Q Is that right?

A Yes.

Q Then you joined the navy and you came back to the Canadian Pacific in February, 1946 as a fireman?

A Right.

Q Then you were qualified as an engineer, to the best of your memory, you informed me, in May or June of 1951?

A Right.

Q Is that right?

A Yes.

Q Now, Mr. Missler, what job were you working on last week in Winnipeg?

A 16.00 o'clock coach yard.

Q Were you at work on that job last Friday,

A Yes.

Q At what time does that job start?

A 16.00 o'clock; that is 4 o'clock.

Q Four o'clock in the afternoon?

A Yes.

Q And were you at work between 7.30 and 8 o'clock in the evening last Friday?

A Yes.

Q Were you at work in the station that evening?

A Yes.

Q At that time?

A Yes.

Q What were you doing?

A Between 7.30 and 8 o'clock, are you referring to?

Q Yes?

A We were working on No. 8.

Q Is that a passenger train?

A Yes.

Q What were you doing in connection with No. 8? No. 8 had arrived at the station, had it?

A Yes.

Q And you were switching out or switching in some cars?

A Yes. The first coach yard he takes the last four cars off No. 8 and I am on the lead with, I believe that night I had four cars to push up and put on No. 8. He took the first four cars from Track 6 and went down clear to the main line and I come up and placed -- I believe I had four cars. Anyway, I come up

and made a coupling on No. 8 with those four cars.

Q The cars were attached to what part of your engine, what end of your engine?

A The front of my engine.

Q The front of your engine?

A Yes.

Q By the way, did you have any knowledge of any special observations that were being made of the work around No. 8 at that time?

A Yes, the fireman had mentioned to me, he said, "I believe the Commission is up at the depot." I know there were quite a few fellows in there and I said, "I believe it is myself."

BY THE CHAIRMAN:

Q You were operating the engine?

A Yes, I was.

BY MR. LEWIS:

Q Now then, you say that you -- what track were you working on?

A Track 6.

Q You say you had shoved some cars on the nose of your engine up to No. 8, is that right?

A Train No. 8, right.

BY THE CHAIRMAN:

Q Going which direction?

A No. 8 goes east, so naturally I would be pushing the cars east.

BY MR. LEWIS:

Q Pushing the cars east. Then did you or did

you not have occasion to back up?

A Yes. After we had made this coupling that evening -- they made a spot up there but I don't know what they were spotting, and then the fellow come up and gave me a pin sign on the last car, that is to pull the pin on the last coach. I had given him the pin and I had glanced prior to this two or three times and the movement --

Q Two or three what?

A Two or three times back. We have to watch to make sure everything is clear, that everything is lined up clear.

Q By that you mean the switches?

A Everything was lined up, absolutely.

Q Then you got this pin sign?

A Yes. The minute you get a pin sign in Winnipeg -- there is quite a little hill, and I proceeded and opened the throttle just to start the movement and I looked back and the fireman hollered for to soak her, which I did. The fellow who had taken the first four cars off No. 8 started all of a sudden to make a move and push the other cars on track 7. I imagine he wanted to cut one off.

Q You do not know what he wanted to do?

A No.

Q Just tell us what you know and what you saw, please?

THE CHAIRMAN: The witness was speaking of some activity at the eastern end of the coaches on which he was working, is that it?

THE WITNESS: That is true; that is the rear of No. 8 train. That is west of the depot, but it is the rear of No. 8 train I work on. There is another coach yard works on the head end of No. 8.

BY THE CHAIRMAN:

Q Is that the one you are speaking about now?

A The one I am --

THE CHAIRMAN: The engine the witness was in was headed east pushing cars on to the tail end of No. 8 which was facing east?

MR. LEWIS: Yes.

THE CHAIRMAN: He is now speaking about some other engine working in connection with that train. How it could be working in connection with that train unless it was working at the other end, I am unable to follow.

THE WITNESS: Just a minute.

BY MR. LEWIS:

Q Just a minute, please. This other engine which you say was working at the head-end of the train had worked or was working the head-end of No. 8 train; is that right?

A No, that is wrong.

Q What happened?

A When No. 8 comes in she is on track 6 and we have two coach yards that work the tail end.

Q When you say coach yards you mean two yard engines?

A Yes, right.

Q Just take it easy?

A We handle all the switching on the rear of No. 8, the two of us. He will pull cars off and I will put cars on. Am I straight now? I am not talking about the head end at all. I let the fellow on the other end do that, I have enough back here. I have all I can do back here.

Q He had taken four cars off the tail end?

A And went all the way clear down to the main line.

Q You were backing up?

A Not then; I was pushing up.

Q Pushing up?

A Right.

BY THE CHAIRMAN:

Q Four cars?

A Yes.

BY MR. LEWIS:

Q Four cars?

A They made a particular spot; I don't know what it was.

Q Your crew did?

A Yes. Then they naturally come and asked for the pin on the last coach, which I give them, and proceeded to back up when the fireman hollered to soak her and I just give her the

biscuit.

Q That is a new term. You stopped the engine?

A Yes.

Q When you stopped the engine did you look back to see what was there?

A I could see right over on the side and this fellow -- don't get me wrong now, don't get me all mixed up -- he was on the main line and he must have made a quick move to decide -- I don't know what he was going to do -- remember, you asked me what he was going to do -- he come up on 7 and I am on Track 6 here and he decided at that last second to come up on Track 7.

Q Just take it step by step. When you stopped after the fireman hollered for you to stop --

A Yes.

Q -- you say you looked at the side and you saw this other engine?

A I could see the coach, not the engine.

Q You saw it where?

A Well, it was just about even with the cab on the engine.

Q How far were you away from it?

A Well, if I had gone in there I would say approximately 15 feet I would have got a sideswipe.

THE CHAIRMAN: Why?

BY MR. LEWIS:

Q How would that have occurred, the sideswipe?

A I beg your pardon?

Q How did that coach get where it was in relation to your engine?

A I am moving back on Track 6.

BY THE CHAIRMAN:

Q Backing up west on Track 6?

A Yes, that is correct, and I guess this fellow --

BY MR. LEWIS:

Q You are backing up to get on to the lead?

A I had the movement -- the movement was all lined up for me.

Q When you had looked two or three times you say the switch was lined?

A Everything was lined for me.

Q Then when you stopped and you saw this coach, what had happened then, what must have happened?

HON. MR. McLAURIN: Let us place this coach; this other engine was on the lead, was it?

BY MR. LEWIS:

Q That is what I am trying to find out?

A Yes.

BY HON. MR. McLAURIN:

Q Where was it; he was on the lead?

A He was on the main line, right on the main line. Track 6 and the main line are all coupled up in one.

BY MR. LEWIS:

Q They are the same?

A If you come in off the main line you go into

Track 6 in Winnipeg depot.

Q Was the switch taken away from you then?

A Yes, it was.

THE CHAIRMAN: That is, from the witness?

BY MR. LEWIS:

Q It had been taken away from your engine?

A It had to be or else he could never have got up on 7.

THE CHAIRMAN: Never mind, you are just asked what the fact was.

THE WITNESS: Yes.

BY MR. LEWIS:

Q He was trying to get up on 7, was he?

A Yes.

Q Had he already turned on to Track 7 from the main line?

A Yes.

MR. SINCLAIR: I do not think the witness said he was trying to get up on 7.

THE CHAIRMAN: What occurred?

BY MR. LEWIS:

Q Was he in Track No. 7?

A You mean was the coach really on Track 7?

Q Yes.

A Yes, it was.

Q It had turned off the lead on to Track 7?

A Yes.

BY THE CHAIRMAN:

Q Track 7 is to the south of 6?

A To the north.

Q Then you must have looked across the cab to see it?

A Yes.

THE CHAIRMAN: All right, we will get it after a while.

BY MR. LEWIS:

Q Had you seen this engine proceeding or this coach proceeding on to 7?

A No, I did not.

Q How long before you were told to stop by the fireman, as you informed the Commission, had you looked back yourself to see whether the route was lined?

A It could not have been any more than, I would say, 15 or 20 seconds.

Q Where was your ground crew at the time, do you know?

A They were all in front of the movement, in front of my engine.

Q On which side?

A On the right-hand side.

Q On your side of the engine?

A Yes.

THE CHAIRMAN: Did the witness say that when you come into the station -- this is Winnipeg, is it?

MR. LEWIS: Yes.

THE CHAIRMAN: On the main line, you proceed straight into No. 6 as though it were part of the main line? Is that what he said?

BY MR. LEWIS:

Q The main line becomes No. 6; is that what you said?

A Yes; I would swear it is right.

Q Did any officer of the company speak to you about this incident?

A Yes.

Q After it happened?

A Yes.

Q Who was it?

A Mr. Woodland.

Q Mr. Woodland?

A Yes.

Q How long after the incident occurred did he speak to you, do you remember?

A I would say roughly maybe 10 or 15 minutes.

Q Did you tell him what had happened?

A Yes.

Q What you told him, was that what you have told the Commission now?

A Yes.

Q What did you tell him, Mr. Woodland?

A I told him just exactly what happened.

Q What did you tell this Commission?

A I hope I can get it a little clearer. No. 8 comes in on Track 6 --

Q I don't want you to repeat it. You told Mr. Woodland exactly what happened at that time?

A Yes.

Q What did you tell the Commission today?

A Exactly what happened.

BY MR. SINCLAIR:

Q You have worked this job of switching the tail end of No. 8 before?

A Yes, I have.

Q You work along with another engine as a team?

A I guess you might put it that way, yes.

Q That is right?

A Yes.

Q Those two crews know the moves that are to be made in advance?

A I couldn't say that, whether they do or not.

Q You just follow signals and your nose, is that right?

A That is right.

Q Signals when you are proceeding ahead and when you are going back cab-first you follow your nose?

A Yes.

Q When you are going back cab-first the responsibility is directly on you, correct?

A Right.

Q On this night you had two cars, just before this move, Sharbot Lake being one of them?

A I could not tell you the names of any of the cars.

Q You recognize a lot of people here who were standing around that night?

A I don't think I would, no.

Q The fireman told you it was the Royal

Commission that were up there, and there were a lot of people around. You had hold of two cars, not four, when you made that push-in?

A I wouldn't swear to it.

Q Then you got a pin sign?

A Yes, I did.

Q And there was a man on each side of your engine?

A I beg your pardon?

Q There was a man on each side of your engine, one of your ground crew?

A They were all in front of me.

Q You said there was a man on each side of your engine up where the coupling was being made.

THE CHAIRMAN: On the engine?

BY MR. SINCLAIR:

Q On the ground?

A On both sides of the engine. I couldn't tell you; I could only see the man in that case on the right-hand side.

Q You saw one man ahead of you?

A Yes.

Q That is really all you did see?

A Yes.

Q Then you were going to take your engine off, were you, and go back?

A No.

Q You were going to go back with one car?

A Right.

Q And you got a pin sign from the man up there?

A Yes, sir.

Q Which means to ease her off; correct?

A Just a moment. The pin sign means that all the cars -- at that time, No. 8, they are all there, but No. 6 is a little bit downhill so then when they give me a pin sign that means to ease the movement a bit ahead.

Q I am sorry; he gave you the pin sign and you eased her ahead?

A Yes.

Q He gave you the sign, then he got the pin, and you come back down?

A Yes.

Q And at that time this other engine had pushed through the cross-over and had stopped on the track next to you with cars right up alongside your engine; correct?

A Oh, no.

Q That is what had happened, is it not?

A No.

Q Are you sure?

A Yes. When the fireman told me to stop and I had stopped he proceeded to push all his cars up on Track No. 7.

Q Are you sure that when you started your back-up movement after you had coupled, after the ground crew had got the pin on the one car and you were going to back down, are you sure their movement had not been through the cross-over and was stopped on the next

track?

A Positive.

Q I would not be too positive unless --

THE CHAIRMAN: That is what the witness says.

MR. SINCLAIR: I was going to ask him if he had looked.

THE CHAIRMAN: That is all right.

BY MR. SINCLAIR:

Q That is what I said, I would not be too positive if you had not looked. Did you look?

A On Track 7? When I stopped I watched him push all the coaches plus his diesel up by Track 6, by me.

Q He was stopped?

A No, he was pushing up into 7; he went right by. I don't know how far into 7 he really went.

Q Could you see the Balsam Grove standing north of the Sharbot Lake car and between the two cars that were on this next movement? Did you see the cars that were on the next track to you?

A I don't believe I quite follow you.

Q When you came up there and stopped?

A Is this when I made the first pushing back?

Q You had made two or three moves by then, but as I understand the move you are talking about, you had gone up there and got a pin sign and you pushed ahead a little bit?

Q At that time, that was before he gave you the reverse move, had you looked to see what was on the track next to you?

A I had glanced back and there was nothing at all wrong. I still had everything lined up for myself and there was nothing at all wrong. He was still down almost clear of the diamond, opposite the diamond, with these cars for No. 8.

BY THE CHAIRMAN:

Q How far away from you?

A Well, you see --

Q Just how far away was he from you?

A Would you say the end of the coach? About six coach lengths.

BY MR. SINCLAIR:

Q He was six coach lengths to the rear down past the diamond, away to the west?

A He was six coach lengths away from where I was.

Q Behind you, past the diamond to the west?

A I am giving you my distance like from the diesel I am sitting in to the head end of the coach he had.

Q Was he past the diamond?

A I imagine he would be just clear of the diamond.

Q That is quite a piece west; that is when you looked?

A Yes.

Q Is that right. Then between that time you

got a back-up signal?

A Yes.

Q And you knew then that you were following your nose out, you were on your own; is that right?

THE CHAIRMAN: Cab-first.

BY MR. SINCLAIR:

Q Cab-first?

A Yes.

Q And as you turned in your seat the fireman yelled to you?

A I didn't even actually, to tell you the truth I didn't even get a chance to turn. He hollered.

Q Had you started to back without looking?

A Like I was explaining a minute ago --

THE CHAIRMAN: Just answer the question.

BY MR. SINCLAIR:

Q Had you started to back without looking?

A The movement was going back.

Q Had you started back without looking?

A No, I did look.

Q You had gone out there, got the pin sign, and then they gave you the back-up?

A Yes.

Q From then on you were on your own?

A Yes.

Q Going out?

A Yes.

Q Before you started that reverse movement after you got the sign to go out on your own did you

look back?

A It just seems like instinct with a person, you know, when you get used to it, when you are running an engine.

Q I am asking you did you look back, Mr. Missler, before you started the reverse movement?

A Yes, I did.

BY THE CHAIRMAN:

Q Was that the time you saw the other coaches the distance away you have mentioned?

A Yes.

Q That is the last time you saw them?

A Yes.

THE CHAIRMAN: That is what he says.

Apparently the next thing he heard was the fireman calling. You might ask him where the coaches were then.

BY MR. SINCLAIR:

Q Where were the coaches then, Mr. Missler?

A When the fireman hollered?

A Yes.

Q The last coach, I could just see the end of it right by the cab, the very end of the coach.

Q That is ahead of the movement on the other engine?

A Yes.

Q He was occupying the cross-over?

A Well, I guess yes; he was crossing over from

6 to 7, yes.

Q He was occupying the cross-over behind you?

A Yes.

Q And he had moved from west of the diamond up to the cross-over and had gone through the cross-over?

A Which is not very far.

Q And had gone through the cross-over and had stopped; is that correct?

A No, he hadn't stopped; he went all the way in.

Q He was not stopped when you stopped?

A No, he went all the way in 7.

Q I am asking you: was he stopped when you stopped?

A No.

BY THE CHAIRMAN:

Q During all that time where were you looking?

A It takes only a matter of --

Q You were proceeding west, you got a back-up sign, you started to back up; where were you looking during that time?

A I imagine in this instance I had just -- never had a chance. I was given the pin sign ---

Q I just asked you where you were looking?

A Ahead.

Q To the west?

A Yes; no, to the east.

Q When you were backing up, to the west?

A I mean just prior to giving him the pin.

Q The question I asked was this: you got a

back-up sign, you proceeded to back up; where were you looking all that time, in which direction?

A Well, I must have been just swinging over to turn my head when the fireman hollered, so I imagine I was still looking ahead. That would be to the east.

Q You started to back up looking east?

A Yes.

Q Before you looked west again the other movement had travelled the distance between where you first saw it and where you saw it at that time?

A Yes, sir.

BY MR. SINCLAIR:

Q Is not this what happened. You got a back-up sign and you were just going to reverse your movement to go out, to go west, and when you were in the act of turning the fireman called to you?

A Yes, I would say it must have been it.

Q Is not that what it was?

A Yes.

Q You were just in the act of turning as he called to you?

A Yes.

Q And you were moving at about what, will we say half a mile an hour?

A Well, I could not judge the speed.

Q As a matter of fact, from the time you gave

her the pistol, as you said, or soaked her, you moved about 10 or 15 feet, is that not so?

A That would be about it, yes.

Q When you stopped you were at least a coach length from the fouling point on the track and the cross-over?

A No, I judge the distance roughly like about 15 feet.

Q Now, Mr. Missler, did you take a good look at it?

A Fairly good.

Q You are going to say it was less than a coach length from the fouling point?

A Oh, yes; a coach is fairly long.

Q I know it is fairly long. I am asking you how many feet it was, and you say it was 15 feet?

A I would say it would be 15 feet.

Q Is that what you told anybody after the accident?

A I don't know whether I did or not.

MR. LEWIS: The near accident.

MR. SINCLAIR: After the incident, I am sorry.

BY MR. SINCLAIR:

Q You are not just sure how far you were from that point, are you?

A Yes, I am.

Q Did you measure it off since?

A No, I did not; no.

Q Did you ask one of your ground crew where he was standing at the time?

A No, I did not.

Q Did you see a ground crew man close to your engine?

A No; I noticed --

Q You saw one up ahead, you told us that?

A That is the one.

Q That is the only one you said you saw?

A Yes.

Q Did you discuss this estimate of 15 feet with anybody?

A No, I did not.

Q You did not think of going back and again taking a good look at it and fixing it in your mind; that is just something that came to mind at the time?

A I was just glad I stopped in time.

Q That is really what you were glad about?

A Yes.

Q If you had turned, completed your act of turning that you were in the process of doing when the fireman yelled and you were going about half a mile an hour, do you think you could have stopped?

MR. LEWIS: I do not think the witness has agreed with my friend that it was half a mile an hour.

THE CHAIRMAN: I thought the question

was preceded by "if", but I am not sure.

MR. SINCLAIR: I think he did say it was going about half a mile an hour.

THE WITNESS: No, I did not.

THE CHAIRMAN: I thought your question was, "If you had completed your turn?" Am I wrong in that?

BY MR. SINCLAIR:

Q If you had completed your turn and been going about half a mile an hour you could have stopped before you reached the fouling point of the cross-over, could you not?

A At half a mile an hour? I believe so.

A As you got the back-up sign and you started to move back, just as you were going to look and follow your nose out, the responsibility is on you to see that the movement is clear?

A Yes.

Q You would not be proceeding more than half a mile an hour, would you? You had just eased off the train, is that not right?

A No, it would not be. This slope has something to do with it. When you give a man the pin sign on one or two coaches on Track 6, it has quite an incline and once you have given him the pin you are automatically going backward even if you have everything all set to go ahead. You understand what I mean? The weight of the coach will push

you down and the weight of the diesel itself.

Q But you are moving very slowly?

A Yes.

Q You felt that you had the engine under complete control, did you not, Mr. Missler; after you got that sign and were in the act of turning you felt that you could stop it before anything was foul?

A I had the throttle open.

Q You opened the throttle as you turned?

A Yes.

Q And you had your engine under complete control, you felt?

A Well, when I seen that -- well, I guess yes. You could almost say, in my estimation just about under control, yes.

Q How fast do you think you were going when the fireman yelled at you?

A Well, I would say between six and eight miles an hour.

Q Are you a good judge of distance and speed?

A Well, I don't know; I wouldn't say I was the best.

Q I think you have proved that.

A I wouldn't say I was the best.

MR. SINCLAIR: That is all.

BY HON. MR. MARTINEAU:

Q When this movement took place I was on the platform south of Track No. 6 right next

to you. When you received this signal from your man to back up how far back were you going to back up?

A In my mind I had the right of way and I was going to back --

Q How far?

A Maybe, we will say six or seven carlengths back.

Q Was your crew going to remain on the station platform?

A No.

Q Where were they?

A One fellow was on the front footboard and I imagine the other two -- I couldn't say where they were.

Q Before you started to back up after receiving the signal did you turn and look?

A Before I backed up?

Q Before you started to back up?

A Yes.

Q After receiving the signal?

A No, before, prior to that.

Q I am asking you if after receiving the signal and before backing up if you looked to see if your way was clear? Mind you, I was right there.

A I might say it all happened -- it doesn't seem only seconds for these instances --

Q But did you look or did you not?

A I imagine I had the engine reversed and

opened the throttle and was in the act of turning.

Q What distance did you back up before turning and seeing the other movement; how far did you go?

A I wouldn't have any real idea of that.

Q Didn't you go at least a carlength?

A I would not; no, I could not say.

Q So you cannot say if when you started the other movement was already blocking your way and partly over the cross-over and into No. 7, or can you say that?

A He must have got a signal, I presume, at about the same time I did to back up because when I did stop I saw the head end of the coach he was pushing up was just exactly opposite the diesel.

Q How many feet did it take you to stop?

A I wouldn't; I couldn't say.

Q Approximately?

A Ten feet, 15 feet.

Q So you say you would have been about 25 feet from the fouling point when you saw the other movement because you said you stopped --

A Roughly, yes.

Q Now, if you had looked before backing up would you have seen the other movement?

A You know --

Q And would you have backed up?

A I did glance three or four times prior to

this movement. As I say, he was making a spot. I don't know what it was he was spotting down there.

HON. MR. MARTINEAU: Would you repeat the question, Mr. Reporter?

The Reporter (reads)

"Q Now, if you had looked before backing up would you have seen the other movement?

A You know --

Q And would you have backed up?"

BY HON. MR. MARTINEAU:

Q Answer the question?

A No.

Q You would have seen it?

A I wouldn't have backed up.

Q You would have seen it and would not have backed up?

A Yes.

Q So that the danger of fouling the other track was due to the fact that you had not looked before backing up? Mind you, I saw it all. I saw the look of surprise on your face.

A It was a surprise to me, it really was.

Q So that the danger was due to you not looking up before backing, was it not?

A Well, it is a pretty busy job.

Q Answer that question?

A Yes.

BY MR. LEWIS:

Q Have you done this particular work other days in the week?

A Yes, I have.

Q When you did this job did you and the other engines cross on to the main line in approximately the same sequence as on Friday?

A No, that is where the difference comes in. He generally pulled back whatever he had coming off No. 8 and I generally put on what I had to, and he waited until I come back and had gone back into the coach yard and then he would put the remainder on to No. 8. That is the general procedure.

Q Have you or have you not had experience where he pulled up on to Track No. 7 before you had completed your move?

A No.

Q On Friday, was that --

A The first time.

Q -- the first time?

A Yes.

Q By the way, who generally throws the switches?

A They have what they refer to as a switch tender and he handles all the movements.

MR. LEWIS: That is all. Perhaps the Commission will be glad to know that that is all the evidence I have to present in Calgary.

THE CHAIRMAN: Is there anything more to be said about the movement of passenger coaches on that wye yesterday?

MR. SINCLAIR: Yes sir. After that took place Mr. Lewis and I and Commission counsel felt we should ascertain what took place. It was thought that we should meet the entire crew of that train. We did so and Mr. Mundell, counsel for the Commission, asked each of them certain questions. Notes were taken by Commission Counsel Hughes and a memorandum is to be transcribed from those notes which will be signed by my friend Mr. Lewis and myself and filed with the Commission.

THE CHAIRMAN: It has not been done yet?

MR. LEWIS: No. I guessed the facts correctly but my friend would not admit them. There is no use my raising the matter again.

MR. SINCLAIR: I have had too many assumptions.

THE CHAIRMAN: Apparently we have seen all of the locations in the Calgary area that counsel want us to see so we are not leaving this area without seeing every location which might be the subject of contention between counsel at a later stage.

MR. LEWIS: We will find other subjects, but not that.

THE CHAIRMAN: Very good. Then I think we will hear the other gentlemen who have asked to be heard.

GEORGE OSCAR JOHNSON, Called

BY THE CHAIRMAN:

Q Where is your residence?

A Moose Jaw, Saskatchewan.

Q And your occupation?

A Locomotive engineer.

Q Very good, proceed?

A Mr. Chairman and gentlemen of the Royal Commission, my name is George O. Johnson and I am an engineer employed by the Canadian Pacific Railway working out of Moose Jaw, Saskatchewan.

The members of Division 510 have elected me to present to this Royal Commission a signed petition by 117 members protesting the removal of the firemen-helper from diesel locomotives in freight and yard service. We, the engineers signing this petition, know after many years of service the importance of these men in safe train handling and yard switching.

We feel at all times that the firemen-helper is our eyes on the left side of the locomotive and they on many occasions have averted accidents due to their alertness and have saved unscheduled stops by being able to go back to the engineroom and correct defects that occur in our tour of duty while the engine is in motion.

There have been times when a life has

been saved due to the fireman-helper being on the lookout at road crossings when pedestrians and autos are trying to beat the train to a crossing. Also there are times when switching at yard tracks at or around station when children are playing at or near cars being moved this fireman-helper alerts the engineer to this danger where it is out of his view and an accident may occur.

In the interests of safety we feel that taking these eyes away from the left side of the cab is neither a sane nor safe method of railroading and we the members who signed this petition hope that this Royal Commission will in their deliberations deny the Canadian Pacific Railway permission to remove these firemen-helpers from diesel locomotives in freight and yard service.

This brief has been signed by the members of Division 510, men who have had many years of railroading experience.

MR. LEWIS: No questions.

BY MR. SINCLAIR:^{Q.} Is Mr. MacKay here

A No, he is not.

Q Did he ask you to come here?

A Yes. I have a wire here authorizing me.

Q He could not come?

- A No.
- Q Did he write that brief, do you know?
- A He gave me an idea of what to put in it.
- Q And you wrote it?
- A Yes.
- Q When did you write it?
- A I wrote it partly the night I left and then finished it here.
- Q This morning?
- A Not this morning, no.
- Q You finished it here?
- A I have been here a couple of days working on it.
- Q Did anybody assist you in the preparation of it?
- A Not with any ideas, no, just in language.
- Q You did have some assistance in how to put it down?
- A That is right.
- Q From firemen or enginemen?
- A Firemen and enginemen.
- Q You mean they are double headers?
- A No.
- Q You had some help from both, from some firemen that are here, and you also had some help from some enginemen?
- A Just suggestions, yes sir.
- Q Did you clear them with the people on whose behalf you are speaking?
- A I was writing a brief on what the engineers I had contacted wanted and was asking for

suggestions on this, for a little help at home. I didn't know how to put it down.

Q Did you clear what you said with the people whom you are representing here?

A That is right.

Q Did you clear it with them? Did you phone them up and say, "This is what I am going to say on your behalf"?

A No. I wrote what they suggested I write.

Q You mean the men who were helping you here made suggestions?

A No, the men at Moose Jaw.

THE CHAIRMAN: He said he got no ideas here, just language.

GILLY EUGENE ZEZNICK, Sworn

BY THE CHAIRMAN:

Q What is your residence?

A Cranbrook, British Columbia.

Q And your occupation?

A Diesel engineer.

Q All right, proceed?

A Mr. Chairman and members of the Royal Commission, I have been elected by the members of Division 565 with 31 years' seniority on the Canadian Pacific Railway Company. I am also Local Chairman of this Division at Cranbrook, British Columbia. I have here a petition signed by 20 members, all of whom wish to voice a protest at the company's proposal to remove firemen-helpers from road freight and yard service which we feel is not in the best interests of ourselves, our fellow employees, the public, the shipper, and the railroad's equipment.

We are of the opinion as engineers who operate diesel locomotives without a fireman-helper on the left side of a diesel locomotive at all times, and particularly in the mountainous territory where we operate, and where there are many curves, and rock and snowslides which we have to contend with.

It is always necessary to keep a

sharp lookout at or about these tracks on curves for other employees working. Our work as you are aware is on a 24-hour service and must operate on schedule regardless of weather conditions, whether it be rain, storm or snow. Such a condition imposes a greater strain on engine employees. There are seldom if ever two trips alike and we must therefore meet any condition that should arise on our run or day's work.

For example, I remember an instance at Michel where the railroad runs parallel to the highway. At different times children have crossed under the train when it was standing there and had not the fireman-helper drawn attention to this condition some of the children may have been run over.

Creston has a catwalk near the west end of the yard. Many times young boys will climb over the couplers between box cars and cross while we were ready to proceed after switching at that point.

Kimberly and Chapman are also hazardous points for pedestrians wandering about the tracks. None of the mentioned places have protection of policemen or guards.

The company has made several test trips on freight by giving signals on

the engineer's side. I have conversed with the engineer on these trips and they have stated that switching under these conditions is very slow.

At Warden the brakemen had to go off the right of way in order to relay signals to the engineer. I myself was on one of the test trains and the same procedure took place. As we have very stormy weather during winter months this procedure would be very slow and almost impossible.

The members of Division 563 respectfully request this Royal Commission to reject the Canadian Pacific Railway's proposal to discontinue the use of firemen-helpers in freight and yard service in the interests of safety to ourselves and the persons who work or pass over railroad property.

BY MR. LEWIS:

Q Who is this man that you said was on one of these test trips?

A He is in the courtroom.

Q Who is he?

A There is a conductor here, Howard Armstrong, who is present in the courtroom now. He can explain this more thoroughly. I would require pages and pages of paper to do it. If he were asked questions it would save a lot of time that way.

Q I just wanted to know who he was.

A (No audible answer).

BY MR. SINCLAIR:

Q Where was this typed?

A Up in my room.

Q Here in Calgary?

A At the motel down the street. I had to re-type what I had done in pencil. I had written it down in pencil.

Q Were you on the test train with the radio equipment?

A No.

Q Did you ever work with radio equipment?

A No, not yet. I heard of it but I haven't worked with it.

HOWARD ARMSTRONG, Sworn

BY THE CHAIRMAN:

Q What is your residence, Mr. Armstrong?

A Cranbrook, British Columbia.

Q And your occupation?

A Conductor, 38 $\frac{1}{2}$ years; conductor and trainman.

Q You have something to tell us?

A Yes. I am working on the fruit train. We take fruit to the Spokane International at Eastport and receive a fruit train off them daily. This particular day we arrived at Yahk and I was met by Mr. Phillips. To save time, I rode on the second unit. We had two A units that day. Mr. Phillips asked me if we were going to work on the engineman's side.

Q Who is Mr. Philipps?

A Our superintendent. I told him definitely, no, we were working as before, on the fireman's side. At that point he said, "Today we will make it on the engineman's side". By this time we had pulled out some 25 empty cars and we had 37 to set off.

BY THE CHAIRMAN:

Q This is at Yahk?

A Yes. To make this move as Mr. Phillips directed it would be necessary to back up and block the public crossing on the south end or west end of the yard. I walked back to station

a brakeman at that crossing while we made the reverse movement. This took some 10 or 15 minutes.

On my arrival back near the head end I gave my brakeman the back-up sign, to back in the yard as directed, and asked Mr. Phillips if he realized that this was an important train, a fruit train, and that they had been stressing to me to keep it on time if possible. He said, "yes. Armstrong, we are going to do it my way today but this will only be for a couple of weeks, then you can go back to your way. How do you propose to make this move?" I said, "With the curvature as it is, I will make three cuts, two of 12 and one of 13 cars. Then we will be able to see on the engineman's side."

He immediately said, "No, we will show you how to do it our way." He and the Road Foreman of Engines and the Master Mechanic directed my brakeman to go over and give signals off the right of way some 50 feet at a very dangerous corner where the highway makes a right-angle turn. I immediately told the brakeman that if he did that he would be doing it on his own, that it was far too dangerous for me to send

him there as I wouldn't do it myself. I might also say that this brakeman has ten small children and it was a case of doing it or else.

He eventually went over to the right of way and stopped. Mr. Booth told him to go where he was directed on this point some 50 feet further.

Q Who is Mr. Booth?

A He is the Master Mechanic. Which he did. I made the set-off. Thinking this was poor practice and a dangerous practice I wrote to my lodge, which I am president of, the Brotherhood of Railroad Trainmen, advising them of this condition and of what a mockery safety has become in Cranbrook, and suggesting we divorce ourselves from the company's safety program and form one of our own patterned after the Consolidated Mining and Smelting program, which is sincere. I have worked up there and know.

Through that letter I was asked to come down here but I was not asked until just now if I would present this here or not. I have not a brief.

BY MR. LEWIS:

Q Did Mr. Gamble -- if my friend will permit me to lead -- telephone you?

A He telephoned me Monday night.

Q When you were in Cranbrook?

A Monday night.

Q And did he ask you to come here?

A Yes.

Q Did I interview you at the lunch hour today?

A For about ten minutes.

Q And you told me about this letter you had written?

A Yes.

Q I told you I had read it?

A Yes.

Q That was the reason for your being taken away from your home to come here?

A Yes.

MR. LEWIS: I decided not to call Mr. Armstrong, but he is here in Calgary at my request.

BY MR. SINCLAIR:

Q Mr. Armstrong, you said that Mr. Phillips said to do this for a couple of weeks and come back to your own way?

A And then we may come back to your own.

Q When did he say that?

A When he was talking to me at Yahk.

Q Who was there at the time?

A Mr. Phillips and I.

Q Only the two of you?

A That is all I remember, within earshot, yes.

Q You are sure about those words?

A I am positive.

Q Only a couple of weeks and come back to your way; that is right?

A Or as usual, the usual way, or my way.

Q This had reference to what, the move you were going to make at Yahk?

A On the left-hand side, yes.

Q The movement you were going to make at Yahk?

A Yes.

BY THE CHAIRMAN:

Q On the left-hand side, to go back to the movement on the left-hand side; is that what you mean?

A Yes. The usual movement is made on the left-hand side; this was to make it on the right-hand side.

Q What date was this?

A I believe it was the 29th.

BY MR. SINCLAIR:

Q Of what month?

A This last June, 1957.

Q Just a couple of days ago?

A Yes. I have the letter somewhere, the letter that was written to our General Chairman in Calgary here.

Q Were you there when a test move was made previous to that?

A I beg your pardon?

Q Were you ever there when a test movement was made at Yahk previous to that?

A No.

Q You knew there had been test movements made?

A I knew there had been, yes.

Q And did you also know that photographs had been taken?

A Well, I wasn't interested; I had heard that.

Q And those tests had been going on for a couple of months from time to time?

A No, about two weeks I presume; that is all I had heard.

Q To your knowledge for a couple of weeks?

A Not at Yahk, but on the Kootenay Division.

Q And on this particular move at Yahk, you have usually made the move with how many of the train crew participating?

A Two, the head-end brakeman and myself.

Q The rear-end man did not take part in the signal passing?

A If he were up there, yes, but he is usually inspecting the train.

Q I said he did not take part in the signal passing?

A That day?

Q No, when you made the move on the left-hand side?

A That particular day?

Q When you made the move on the left-hand side, Mr. Armstrong, at Yahk, it was with two men participating in the signal passing?

A Sometimes.

Q Most of the time?

A Most of the time, yes.

Q And when you had to do it on the right-hand side three men participated?

A No.

Q Only two men?

A Yes.

Q If three men had participated would it have been easier?

A It could have been made in 12 cars each.

Q Without anybody getting into what you term a hazardous position?

A Yes.

Q Your answer to that is yes?

A Could have been made in three cuts, that is 12 and 13 for one.

Q Have you ever worked where this test radio equipment has been used?

A I am working there daily where it is used.

Q That is where, at Yahk?

A At the Spokane International; in connection with the Spokane International. They have a radio-telegraph or whatever it might be, but they still have their firemen.

Q I am asking you if you have ever worked with it?

A No.

Q You have seen them switching with the use of signals by radio?

A Yes. Heard them, not seen them. They are

in the far end of the yard and I am in the station.

Q Did you ever see a test being made with radios at Brilliant?

A No.

Q You have not?

A No. Radios, which?

Q Test work being done with radios at Brilliant, British Columbia?

A No. I don't work that far west; I have a regular run.

MR. SINCLAIR: The Commission is going to Yahk.

MR. LEWIS: That is why I decided not to call this witness.

THE CHAIRMAN: As far as hearings are concerned, as far as we know at the moment we will now go to Vancouver.

MR. LEWIS: That is right.

MR. SINCLAIR: With certain viewings en route.

THE CHAIRMAN: I said as far as the hearings are concerned.

MR. LEWIS: Numerous viewings.

---The Commission adjourned at 3.40 p.m. until 10.00 a.m., July 12, at Vancouver, B. C.

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

59

PROCEEDINGS

DATE: July 12, 1957

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SHORTHAND REPORTER
241 MANOR AVENUE
ROCKCLIFFE PARK
OTTAWA, CANADA

Mr. Fraser

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public hearing
held at Vancouver, British
Columbia, Friday, July 12, 1957.

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C., C.J.A. Hughes, Q.C.,	Representing the Commission
I.D. Sinclair, Allan Findlay,	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Friday,
July 12, 1957.

58th DAY

MORNING SESSION

--- The Commission resumed at 10.00 a.m.

THE CHAIRMAN: You may as well call any of those who have asked to be heard.

MR. SINCLAIR: There are a number of matters I should like to file. At the request of the Commission Mr. N.R. Crump prepared a short statement of the historical development of the diesel locomotive. It deals shortly with gas-turbine locomotives and there is also some treatment of diesel fuel oil and its availability. I should like to file this document which is entitled "The Historical Development of the Diesel Locomotive" as Exhibit 278.

EXHIBIT No. 278 -- Historical
development
of the diesel
locomotive.

MR. LEWIS: I notice there is no glossary of words at the end. I hope that that means it is written in layman's language.

MR. SINCLAIR: We asked Mr. Crump, or rather I asked him, to make it so that I could understand it, and that was his purpose. If I can understand it, I am sure it will be very easy for Mr. Lewis to understand.

MR. LEWIS: That is a nice way to start.

MR. SINCLAIR: As you know, as we have come across the country my friend, Mr. Lewis, and I have reached a position of understanding in regard to certain moves that the union have requested. I have prepared memoranda which my

friend has seen. I do not think there is any controversy on these points.

In order to have it on the record in a convenient way perhaps these memoranda might be filed as exhibits. I thought that where there had been a previous exhibit filed by my friend while we were in Ottawa, in the form of sketches and so on, that in that case the particular memorandum might be put in as a supplement to that exhibit.

As an alternative, there are eighteen of these memoranda dealing with various points, and two others that my friend Mr. Hughes had in hand. Some of them cannot be related to actual exhibits filed because there was no exhibit filed. I do not know what the pleasure of the Commission will be.

I might add that where there is an exhibit I have indicated that on the memorandum.

MR. CHAIRMAN: Then we will put them in as new exhibits.

MR. SINCLAIR: Exhibit 279 contains observations having to do with Field on the Mountain Subdivision.

EXHIBIT No. 279 -- Observations,
Field, Mountain
Subdivision.

HON. MR. McLAURIN: Was there a previous exhibit in that case?

MR. SINCLAIR: Not on that one, sir. Exhibit 280 deals with Glenogle. There was an

exhibit filed, Exhibit 251.

EXHIBIT No. 280 -- Observations,
Glenogle.

MR. SINCLAIR: Exhibit 281 deals with Golden and the exhibit filed by my friend previously was Exhibit 237. I might note that where there has been a previous exhibit it is shown opposite the union's evidence.

EXHIBIT No. 281 -- Observations,
Golden.

MR. SINCLAIR: Exhibit 282 deals with Griffith. My friend filed Exhibit 245 on that point.

EXHIBIT No. 282 -- Observations,
Griffith.

MR. SINCLAIR: Exhibit 283 deals with Stoney Creek. My friend filed Exhibit 246 on that point.

EXHIBIT No. 283 -- Observations,
Stoney Creek.

MR. SINCLAIR: Exhibit 284 deals with Illecillewaet and in this instance my friend filed Exhibit 252.

EXHIBIT No. 284 -- Observations,
Illecillewaet.

MR. SINCLAIR: Exhibit 285 refers to Albert Canyon. That was not covered by any exhibit filed by my friend.

EXHIBIT No. 285 -- Observations,
Albert Canyon.

MR. SINCLAIR: Exhibit 286 deals with Twin Butte. That was not covered by any exhibit filed by my friend.

EXHIBIT No. 286 -- Observations,
Twin Butte.

MR. SINCLAIR: Exhibit 287 deals with Revelstoke Yard (East End). That was not covered by any exhibit filed by my friend.

EXHIBIT No. 287 -- Observations,
Revelstoke Yard
(East End).

MR. SINCLAIR: In relation to this Exhibit 287 my friend asked me to get some information regarding the number of units in the consist of trains out of Revelstoke to the east. Exhibit 287 deals with trains arriving from the west and there is a note to that effect on the bottom of the exhibit.

My friend has made some inquiries among his advisers and he told me this morning that it would not be necessary for me to go through the records as he had been informed that the average consist east out of Revelstoke is two units. The note deals with trains arriving from the west at Revelstoke and I think I have stated correctly that the average number of units, which would mean that there would be some threes and maybe some fours, is two.

MR. LEWIS: I think there is a difference as to the wording, but it is of no consequence. My information is that the first sentence in that note is right, that trains arriving from the west have a two-unit consist in the majority, but that sometimes they leave Revelstoke with more than two units when you have brought some from the east and might take some east of Revelstoke. So that the proper way of stating it, as far as my agreement is concerned, is the way it is stated in the first sentence in Exhibit 287, which reads:

"The majority of freight trains from the west arriving Revelstoke have a two-unit consist."

That is what we were concerned with.

THE CHAIRMAN: Then that means?

MR. LEWIS: I accept the note. The point that my friend spoke to is covered only by the first sentence and the last one, but I accept that note. The note as a whole is correct.

THE CHAIRMAN: Then what was your comment directed to? I do not understand.

MR. LEWIS: My friend said it a little differently from the way the note states it. I say that the note is correct. It is of no consequence.

MR. SINCLAIR: What I thought my friend wanted me to do was to state to the Commission how many units there were in the consist of trains leaving Revelstoke for the east.

That is what the note deals with, trains arriving Revelstoke from the west. The note I made was an addendum to that note. I was dealing with the number of units in the consist east out of Revelstoke. If it does not matter, let us forget it.

MR. LEWIS: I think it makes no difference.

MR. SINCLAIR: Let the note stand as it is.

Exhibit 288 deals with Mileage 4.3, Shuswap Subdivision. There was no exhibit filed by my friend, but there was certain evidence as is indicated on this exhibit.

EXHIBIT No. 288 -- Observations,
Mileage 4.3,
Shuswap Sub-
division.

THE CHAIRMAN: That is just out of Revelstoke?

MR. SINCLAIR: That is right. Then as Exhibit 289 I would file a memorandum of observations dealing with Three Valley. There was no exhibit or evidence on this point offered by my friend.

EXHIBIT No. 289 -- Observations,
Three Valley.

THE CHAIRMAN: That again is in the Shuswap Subdivision?

MR. SINCLAIR: From now on we are on the Shuswap until we get down to the Thompson

Subdivision when I will so inform the Commission.

As Exhibit 290, Observations re
Sicamous (West End).

HON. MR. MARTINEAU: There is no
reference to any exhibit?

MR. SINCLAIR: No, there was no
exhibit or evidence.

EXHIBIT No. 290 -- Observations,
Sicamous (West
End).

MR. SINCLAIR: Exhibit 291 deals
with Sicamous (East End). There was no exhibit,
but there was some evidence.

MR. LEWIS: Yes, there was.

MR. SINCLAIR: I am sorry, Exhibit
248 was filed by my friend, and there was also some
evidence.

EXHIBIT No. 291 -- Observations,
Sicamous (East
End).

MR. SINCLAIR: Then Exhibit 292,
Monte Creek. My friend filed Exhibit 249 dealing
with this point.

EXHIBIT No. 292 -- Observations,
Monte Creek.

MR. SINCLAIR: The next exhibit is
the first one dealing with the Thompson Subdivision,
and this concerns Drynoch. No exhibit or evidence.

EXHIBIT No. 293 -- Observations,
Drynoch.

MR. SINCLAIR: Then Exhibit 294,
Keefers.

EXHIBIT No. 294 -- Observations,
Keefers.

MR. SINCLAIR: As Exhibit 295, and
we are now dealing with Vancouver Terminal, I would
file a memorandum containing observations with
regard to Cambie Street. No exhibit was filed by
my friend.

EXHIBIT No. 295 -- Observations,
Vancouver Terminal,
Cambie Street.

MR. SINCLAIR: Mr. Chairman, you will
recall that there was a move around the wye at
Calgary which was dealt with in my friend's exhibit,
Exhibit 215. An understanding between myself and
Mr. Lewis on behalf of our clients was reached with
the assistance of Commission counsel. They were
to prepare some material. I do not think they have
it ready yet, but it might be convenient to give
that memorandum the next exhibit number so that it
can be tied in at this time. I would suggest that
there be filed as Exhibit 296 a memorandum which is
being prepared by Commission counsel regarding the
move of a draft of passenger cars around the wye at
Calgary.

THE CHAIRMAN: That is to be put in?

MR. SINCLAIR: To be put in.

EXHIBIT No. 296 -- Observations,
movement of
passenger cars
around wye at
Calgary.

MR. SINCLAIR: Then as Exhibit 297 there was a memorandum prepared, again with the assistance of Commission counsel, setting out the understanding between Mr. Lewis and myself regarding a move at the west end of Moose Jaw yard.

EXHIBIT No. 297 -- Observations,
Moose Jaw
Yard.

MR. SINCLAIR: That is all I have.

MR. LEWIS: I think I should inform the Commission for the record of what I agree with in the exhibits filed by my friend, being Nos. 279 to 295 inclusive. In introducing each of the comments or remarks in each of the exhibits the finding is made which this Commission has been asked to make. I cannot agree with those words. My friend starts off by saying "Fireman is not required." I think that is the finding that the Governor General in Council has asked the Commission to decide one way or another.

That is by the way, but I thought I would like to state for the record that I admit on behalf of the Brotherhood that the moves described in each of the exhibits Nos. 279 to 295 inclusive can be made in the various ways outlined in the said exhibits.

MR. SINCLAIR: I am sure my friend in making his remarks as to that particular line will admit that that is the company's position, that a fireman is not required.

MR. LEWIS: Then it is redundant
and I refuse to sign it.

HERBERT LESLIE MAY, Sworn

BY THE CHAIRMAN:

Q What is your residence?

A 204 Seventh Avenue, Revelstoke, B.C.

Q And your occupation?

A Locomotive engineer.

Q You just tell us what you want to say.

A I started with the Canadian Pacific Railway
as an engine watchman on August 2, 1926.
I was promoted to locomotive fireman in
July, 1928, and classed as a locomotive
engineer in 1946. I have been running
continuously for the past eleven years.

I was elected Local Chairman of
Division 657, Brotherhood of Locomotive
Engineers, Revelstoke, in February, 1951,
and re-elected in 1953 and again in 1956.

I have been authorized to present
this brief on behalf of Division 657, Bro-
therhood of Locomotive Engineers, Revelstoke,
which is supported by the signature of

68 members which comprise practically the entire membership of our Division.

Now, Mr. Chairman, an attempt has been made in this submission to be concise. This has been done at the risk that the subject matters dealt with may read somewhat fragmentarily. The first thing I am going to deal with is the Mountain and Valley differential.

One of the most important intents of the original mountain and valley differential was to bring the remuneration per hour of engine and train crews working on mountainous terrain into parity with those in other areas where train speeds were much higher.

We find that after we have examined Exhibits Nos. 253-260 inclusive that were placed before your Commission the average progress miles per hour today are in about the same proportion as in the days of steam. On page 2385 of the transcript of this Commission Canadian Pacific figures were given to show that in the days of steam time card of regular trains averaged scheduled speeds on the Mountain Subdivision of 16.8 miles per hour, while at the same time, on the Thompson Subdivision regular freight trains were given an average speed of 21.2 miles per hour. These figures

would appear to us now as being realistic and correct as there was never any great difficulty in maintaining the speeds as set forth in these schedules.

We are, however, somewhat perplexed when we examine Exhibit 115, sheet 2 (Mountain Subdivision). The schedule of Train No. 948 and of No. 951 is shown and explained in transcript as being common denominators. The basis for these two schedules is on Timetable 108, Pacific Region, which has already been filed as an exhibit. We would therefore ask your lordships to make a quick comparison of this exhibit which will show how unrealistic the schedules of Train No. 948 and Train No. 951 are on this timetable.

Train No. 948 --	Albert Canyon to Glacier -- heavy grade -- 41 min.
Train No. 2 --	Albert Canyon to Glacier -- (Canadian) -- 48 min.
Train No. 8 --	Albert Canyon to Glacier -- (Dominion) -- 52 min.
Train No. 948 --	Golden to Lenchoil -- heavy grade and curvature -- 40 min.
Train No. 8 --	Golden to Lenchoil -- (Dominion) -- 1 hr. 8 min.
Train No. 2 --	Golden to Lenchoil -- (Canadian) -- 48 min.

We who have operated trains on this schedule are quite familiar with the fact that even with fifty percent tonnage it was quite

impossible to make the time shown for Train No. 948. The company officers who are charged with the responsibility of setting up these time card schedules have no doubt arrived at the same conclusion because on the superseding timetable No. 109, which came into effect April 28, 1957, Train No. 948 is still shown as the same third class train, the time now allowed is 5 hours and 50 minutes, Revelstoke to Field, which is an increase of one hour and five minutes over the previous timetable.

Train No. 951, shown as Exhibit 115, sheet 2 (Mountain Subdivision), based on timetable 108; time shown for Train No. 951 is 5 hours and 25 minutes (Field to Revelstoke); time shown for Train No. 7 (Dominion) is 5 hours and 40 minutes (Field to Revelstoke). On the superseding timetable 109, Train No. 951 is shown as a second class train as compared to a third class train in timetable 108. The new timetable allows 6 hours and 15 minutes for the same number train (Field to Revelstoke). While we feel that 6 hours and 15 minutes for a tonnage train is yet somewhat fast, it is, however, a much more realistic figure than those shown on Exhibit 115.

In the light of our experience the subject matter of Exhibit 261 is somewhat

perplexing because it would appear to contend that trains which run on schedules of second or third class trains are taken to be symbol trains. In our experience nothing could be farther from the truth. We have handled one hundred percent merchandise trains as fourth class and extra trains, and conversely we have had drags of wheat and empties operated on third class train schedules.

Whether a train is symbol or not has nothing to do with the issue of mountain and valley differentials. What does matter is that an equitable yardstick of comparison is established. We would think that this has been provided your Commission by Exhibits 253-260 inclusive. The pattern that has been established in these exhibits in our mature opinion is representative of the speeds in the various areas.

Basis for the following is Canadian Pacific Timetable No. 95, Alberta District, taking effect April 28th, 1957.

The Laggan Subdivision in the Alberta District, which your lordships have briefly viewed, can be taken as a good example of the difference in speeds of trains between mountain territory and those areas where basic or prairie rates are in effect.

From Mileage 0 (Calgary) to Mileage 122.2 on that subdivision, where basic rates

are in effect, the maximum allowable freight train speed is 45 miles per hour. From Mileage 122.2 to Mileage 136 (Field), where mountain rates are in effect, the maximum allowable freight train speed is 20 miles per hour.

The schedule speeds of passenger trains are also pronounced on these two territories. Train No. 1 (Canadian), Calgary to Lake Louise, has an average scheduled speed of 36.82 miles per hour (basic rates), while Lake Louise to Field the average scheduled speed is 18.46 miles per hour (mountain rates).

The scheduled speeds of freight trains are even more pronounced. The average speed for Trains No. 948 and No. 951, Sunalta to Lake Louise, is 33.69 miles per hour, while the average speed in the mountain territory (Lake Louise to Field) is 15.56 miles per hour.

Engineer's Helper Question -- The group craft of men employed and working under the jurisdiction of Division 657 of the Brotherhood of Locomotive Engineers at Revelstoke, British Columbia, are deeply concerned with the subject matter that is before your Commission. The reason for this concern is not based upon economic grounds but rather the position that we, the locomotive engineers, will find ourselves in if the present method of manning engines were

to be changed.

We believe, Mr. Chairman, the task and burden that has been placed upon your shoulders is a heavy one. We know also that for the past months and for the months to come it will cause you and your Commission great concern. We also believe and respectfully submit that we as a group craft employed as locomotive engineers are the only group or craft that could possibly be in possession of all the factors pertaining to the subject matter now before your lordships for adjudication. It was with this thought in mind that we in this case have a very special responsibility to your Commission and to Canada as a whole that we have come here today to endeavour to convey at least in part some of the experiences that we have gained throughout the years.

We respectfully submit that the most difficult task for your Commission to comprehend is the difference between the literal reading of rules and special instructions on one hand and the practical application of the same rules and instructions on the other. To us this is a most important factor and we admit it is most difficult to explain because most of its impact can only be gained by practical experience.

The Board of Transport Commissioners of Canada have in their wisdom and experience rightly set forth a very high standard of visual acuity and colour perception for those employed in the running trade on railways coming under the Board's jurisdiction. We heartily concur with the Board's action in this regard because the most important item in the safe operation of a railway is the ability of engine crews, and in fact all those in the operating trade, to have excellent eye sight and hearing.

The majority of the engineers yet employed in the British Columbia District came up through the days of hand-fired coal-burning locomotives. At that time only a very small portion of the track was protected by automatic block signals and it was, therefore, much more difficult to fulfil the requirements of yard speed rules. Engineers without exception insisted that a sharp and continuous lookout be kept by the fireman while the curvature was to the left when passing through yard and station limits. This is a matter that is clear and vivid in the memory of us all, and we feel that we would be remiss in our duty unless your Commission fully understands and knows that the lookout on the left side was always considered as one of the most important functions of the fireman. This contention can be

confirmed by the requirements of General Order No. 293 of the Board of Railway Commissioners of Canada under date of April 26, 1920, as follows:

"1. That all locomotives of railway companies subject to the jurisdiction of the Board be equipped with a seat for the brakeman.

2. That the seat provided be of comfortable design, and where practicable equipped with back and window arm rest.

3. That such seating accommodation be provided by the 1st day of May, 1921."

And by the subsequent amendment thereto -- General Order No. 302, dated July 23, 1920 --

"Provided, however, that such seat shall not be located in a position that will interfere with the seating space of seats provided for engineer and firemen, or that will obstruct their view from side windows."

Ability to see and immediately to recognize a hazard as such is the paramount factor in this issue. In safe railway operation all other matters must be subordinate to this end. The fireman has been always placed in the cab by practice and by law at a vantage point to

cover the left side of the engine parallel to the engineer on the right as far as lookout is concerned.

To the outsider it might appear that there is no threat to the safety of passenger train operation because the carriers are not requesting the removal of helpers from passenger locomotives. However, past experience dictates that the safety of a passenger train is not only in the hands of the passenger crew, but also in the hands of the crews who are on opposing or following freight trains. Nothing should be taken away now that would in any way reduce this safety factor.

While it is not our intention to labour our thoughts and experience in this regard, the membership of Division 657 feel strongly on this point and have instructed me, their representative, to so state. Railway supervisory officers without exception have down through the years recognized the danger of operating a locomotive without a proper lookout at all times on the left side, and they have insisted that we the engineers were not alone responsible for our own lookout, but that we were also responsible for seeing to it that the fireman was at his station, especially at a point where hazard might attend the movement.

Safety factors have in the past and will in the foreseeable future dictate that this is is an irrevocable creed.

There are basic rules throughout the Uniform Code of Operating Rules that if an attempt were made to apply them in the strict literal reading we, the employees, would find ourselves in an impossible position. It is with these facts in mind that we would like to exemplify our thoughts in this regard.

Rule 105 lays down that all movement through other than main track must proceed at a speed that will permit stopping within half the range of vision. Oftentimes due to curvature it is quite impossible for the engineer to see at all. In these cases the helper or trainman, or a combination of both acts as the eyes of the engineer according to the variation of circumstances.

On high speed trains down through the years where curvature is to the left the fireman will transmit the indication of all fixed signals to the engineer verbally, and the engineer will continue at high speed and perhaps be able to see the aspect displayed for a fleeting moment and then only when he comes into close proximity of the signal. By practice and application this has been accepted as safe operation and adherence to the rule.

In the same way Rule 7(a), some of those signals may disappear from view, but the movement does not stop. This can be viewed at any time of the day or night at any switch crew working under the Uniform Code. As long as the engineer or the fireman sees one trainman or one light he will continue to move in the normal way. The trainman, for his part, will keep in view one of the other members of his crew. At this juncture there would appear to be a wide gap between theory and safe, practical common-sense railroading. The full intent and application of this must be viewed in order that your Commission may fully understand its intent.

Today an engineer and his assistant are required to operate up to four power units, which the engineer "is in charge of and responsible for". That in the days past would require three additional engine crews. The responsibility required of this single engine crew has not diminished in the least. They are still required to operate under the Uniform Code of Operating Rules. They must recognize the same precautions regarding speed, special instructions, schedules, meets and instruction by train order regarding waits, condition of track, meets, run lates, directly affecting their

own train or the movement of opposing or following trains. This together with the requirement that they must clear the schedule times of all superior trains.

Much has been said before this Commission with respect to the future training of engineers, with which we cannot agree. Engineers must be conversant with and have a full working knowledge of the operating rules and special instructions. Holding the position of passenger fireman for three years would do little towards providing this type of education, as rules governing passenger work correspond only in part to those governing freight and yard service. The only way to acquire this knowledge and for the safest operation possible is to continue the use of helpers on diesel electric locomotives in freight and yard service. This in order to give the necessary experience and essential training to the helpers who will become the efficient locomotive engineers of tomorrow.

The ability to handle freight trains successfully is of prime importance and engineers are held solely responsible for rough handling. The avoidance of slack action is one of the problems to overcome, particularly when applying and releasing brakes or starting and stopping trains. There is considerable slack action between

each car and on long trains this slack action, if not controlled, can cause heavy damage to rolling stock, the contents and also the train crew.

All trains do not necessarily handle alike, depending on the marshalling, consist and the length. The engineer must by experience and feel recognize the problems as they arise. Utmost precaution must be used when heading in and out of sidings and, on heavy grades, he must see that main reservoir pressure is maintained at all times and recharge as rapidly as possible.

We are all familiar with the difficulties encountered by junior engineers when first required to run engines. Despite the opportunity for continual observance and previous experience gained as firemen and helpers we still have men with years of experience who misjudge speed and distance that could bring dire results.

To accept the statement that anyone could acquire the necessary knowledge in the capacity of a helper on a passenger train, regardless of his ability, is to sell short all the safety factors that have been established throughout years of railway operations.

We will venture the suggestion that there is not a single individual in the industrial life of Canada who is day by day

carrying equal responsibility to that of a locomotive engineer in either passenger or freight service.

In the British Columbia district the sharp and frequent curvature, together with heavy grades, continues now, as it has in the past, to present enginemen with problems that have been with them down through the years. The great variation of weather, which ranges from 45° below zero, heavy snow, fog, mountain cloudbursts, and summer temperatures of 105° in the shade, did not disappear with the coming of diesels.

Obstacles on the tracks are hazards that the engine crew are always conscious of in this mountainous terrain. Rock, mud, tree stumps, snow and washouts will continue in the future to require as much of the engine crew's attention, no matter what the motive power may be. In the days of steam the engine itself provided us with a lot of protection when we hit a snowslide, but today all we have to protect us in some cases is a sheet of glass.

The diesel locomotive has brought us many advantages, but at the same time it has brought problems that up to the advent of diesel power were never heard of. The number of "break-in-twos" for various reasons has multiplied considerably, especially with multiple unit operation on

heavy grades. Any time a four-unit consist has to utilize maximum effort to lift (start) a train on heavy grades the chances of "break-in-twos" are greater due to the locomotive's high starting tractive effort, and in sub-zero weather our experience is that "break-in-twos" are more frequent.

Today we as engineers are compelled to ask our fireman helper to perform services that in the days of steam were unheard of. He is compelled by force of circumstances to help drag heavy wrecking chains through snow and help cahin up cars with broken draft gear, and then afterwards he may be compelled to climb on top of box cars in order to relay signals to the engineer safely and expeditiously because of curvature.

We cannot accept the railway's insistence in this case on the substitution in freight service of the engineer's present experienced helper by a trainman who has other important and specific duties to perform and who is unfitted by training and experience to displace him.

While we are indeed glad that your Commission were able to inspect our railway in midsummer, nevertheless it is regrettable to us that we are quite unable to help you envisage some of the problems that winter operation brings to us in the running trades.

Knowing that we are in charge of and responsible for a diesel locomotive that has a valuation, depending on the number of units in the consist, ranging from \$250,000 to \$1,000,000 is in itself no small undertaking. But when one considers the enormous dollar value of an entire freight train we feel that it is only good common safety-sense to have someone who has a good working knowledge of the diesel, as well as a broad knowledge of operating rules to help us engineers do our work safely and efficiently. It is mathematically correct to say that in a four-unit consist the chances are greater that mechanical trouble will develop than when a single unit is operated. There are today points where switching operations are carried out expeditiously and safely by giving signals through the helper. This method, in some cases, could be changed to give signals direct to the engineer; but in many such cases it would have the effect of making the move time-consuming, clumsy and therefore unsafe. It would in our opinion add hazards to switching operations that today are reasonably safe.

In the modern diesel locomotive as against steam engineers have gained certain comforts and a reduction in physical effort, but for the most part all the old hazards

of by-gone days still exist, plus some new ones which are of great consequence to us.

The increased number of motor vehicles using our highway crossings at grade has smy-rocketed in the past ten years. In the year 1946 there were 147,196 motor vehicles registered in British Columbia. In 1956 there were 447,981 registered in this province. While we have not actually examined the records for other provinces we are, however, led to believe that similar increases exist.

It would not be practical to list here all the incidents in which a fireman helper daily establishes his worth. Even if it were made possible to do so, we would venture to guess that their explanation before this Commission would be so time-consuming that the Commission would quite possibly have to continue in perpetuity. It is, therefore, our honest and mature opinion that each day somewhere some helper with alert eyes averts what might well be a painful injury or a fatality. This is very true especially in switching operations and in congested areas.

We have now experienced and absorbed the substitution of diesel for steam power in our area. The dieselization program has had a drastic effect on the number of men employed in the operating trades, which

can be shown when a comparison of the tonnage handled is made. On the Shuswap Subdivision, between Revelstoke and Kamloops, a four-unit diesel now handles 5320 tons with only five employees, while in the days of steam two of our largest steam locomotives handled 2880 tons with nine men employed.

On the Mountain Subdivision two 5900 steam engines handled 2100 tons, Revelstoke to Glacier, and one 5900 and one 5700, Golden to Lenchoil, while with diesel power we handle up to 3280 tons with a single engine crew, which formerly took nine employees.

I might say, so that we do not give you a distorted picture, Mr. Chairman, that the company could use pusher crews to a further extent of eight hours. Possibly that would average two pushers, sometimes three, during the day.

The physical aspects of Canadian Pacific trackage in British Columbia is now somewhat better known to your Commission. However, we feel sure that many aspects of importance could easily have missed your notice. The Canadian Pacific Railway has something in the near proximity of 1534 miles of main line trackage in British Columbia. Of this mileage only about one-third is protected by automatic block signals. The only protection for the remaining two-thirds is the ability of the engine crew

of third class, fourth class and extra trains to pass through station and yard limits at a speed that will permit stopping within half the range of vision.

Nearly all engineers, somewhere along their experience in engine service, have viewed some tragedy that has made a lasting impression on their minds. Railroad men in the operating trades are more than safety conscious, but none more than the engineer. The big tragedy of this Commission, as we see it, is that little or no accounting can be given of accidents prevented because of the simple fact no records were ever kept of such accidents. We engineers, therefore, would be very remiss in our duty if we did not say to this Commission that the removal of the engineer's eyes (fireman helper) from the left side of the cab could but have one result -- that of greatly increased accident ratio in Canadian Pacific operations.

The Solution of the Problem -- Therefore, Mr. Chairman, it is the well-considered mature opinion of the membership of Division No. 657 that the present classified helper must be retained for safety purposes. We do recognize, however, and urge that greater use be made of his services. This can be done not by elimination, but by a well planned program of better and fuller utilization.

We are convinced that your Commission should give long and careful consideration towards recommending that a well rounded program of training for helpers be initiated by the railways of Canada in co-operation with the unions involved. We believe that this could be done effectively and without great expense by the combined efforts of the diesel manufacturers, the railways, the unions and the correspondence section of one of the provincial Departments of Education in Canada.

Correspondence education, combined with a work-a-day practical knowledge and application, would result in greater availability and fuller utilization of motive power.

We can only see great good flowing to the benefit of all concerned if this suggestion were implemented. It would have a healing effect on the animosity now existing, which this issue has aroused. It would greatly increase the helper's usefulness, which would redound to the benefit of the railways and the public generally by the lowering of costs. This would help to meet competition and at the same time open up a greater opportunity for safe and more effective railway operation now and in the years to come when these men take their place as engineers.

--- Recess.

THE CHAIRMAN: Have you any questions, Mr. Lewis?

MR. LEWIS: No questions.

BY MR. SINCLAIR:

Q Mr. May, you have had eleven years' experience running?

A That is correct.

Q On the Mountain and Shuswap, and before that you were a fireman, of course?

A That is right.

Q You made reference to Timetable 108 and Timetable 109 in the first part of your submission here dealing with the times of symbol trains; do you recall that?

A That is correct.

Q Timetable 109 set up six positive inspection points in the time card?

A That is right.

Q Timetable 108 did not have those positive inspection points in it?

A That is correct.

Q And those positive inspection points were set up because of some difficulty that had been experienced with wheels; is that correct?

A That is correct.

Q Wheels shelling and flanges cutting?

A That is correct.

Q What has been your experience with regard

to wheels, has the situation improved as to wheel shell-outs and flange break-outs?

A Well, yes, I would say it has improved.

Q As a matter of fact there used to be a lot of difficulty in connection with flange wear on the diesels themselves before they put oilers on the tracks?

A That has helped a little bit, yes.

Q Pardon?

A That has helped a little bit.

Q A little bit?

A Well, it also creates a slippery condition for us, too, mind you.

Q That is if you happen to stop on them, but you do not mean a little bit, do you? It has improved the situation a great deal, has it not?

A Of course that is out of our department. I am not in position to state that.

Q If those positive inspection points were lifted your time would be cut down by what?

A Oh, 20 minutes.

Q For each one?

A Well, we previously had 50-mile inspections; now it is positive inspections. Possibly, I think there are additional inspection points.

Q How many miles is it over the Mountain?

A 126 miles.

Q And you made inspections --

A Previously we had to inspect at Golden, Glacier; that would be two. Of course we were delayed by traffic meets. Now we inspect at Glenogle -- six, that is correct.

Q So there are four more inspection points and at 20 minutes an inspection it would take --

A No, I would say 5 to 10 minutes.

Q An inspection?

A Depending on the length of the train.

Q About 5 to 10 minutes an inspection?

A Yes.

Q Now, of course when the train crew are inspecting, the engineman and fireman have a rest, don't they?

A Have a rest? I should say not.

Q What do they do?

A We have our engine to inspect, outside inspection, and it is customary to make an inside inspection.

Q Every time you stop do you make an inspection of your engine?

A Always.

Q You always do?

A Always do.

Q Inside and outside?

A Well, invariably the fireman makes it inside and I make it outside.

Q You say that that is the usual practice on the Mountain and Shuswap Subdivisions?

A I believe that is the general practice all over. That is my experience.

Q You are not required to do that, are you, Mr. May?

A Well, it is for our own benefit, for your own peace of mind.

Q In your view the Mountain differential was to equate your -- I forget the word you used --

A That is right.

Q Remuneration per hour?

A Yes.

Q Is it your view that enginemen who are on runs that make better time than average should have a differential minus, we will say, instead of a differential plus?

A Oh, I don't think so, no. The good takes care of the bad. Some days we will run 11 and 12 hours and then the next day we will possibly go over in 6 hours. The one will average out the other.

Q Let us go to a subdivision where it is much less than the average in any territory, a high-speed subdivision with double track. Under those conditions a man gets over the road, we will say on the prairies somewhere, at Swift Current or some of those places where good time can be made; do you think the engineman there should get less than the engineman working on a subdivision where it takes longer to go over?

A No. There again, that is one of the conditions

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of the mileage regulations. You might say we are working on piece work.

Q You are working on time?

A On time.

Q Equated to $12\frac{1}{2}$ miles an hour in freight?

A We would not be getting sectionmen's wages if we got down to $12\frac{1}{2}$ miles an hour.

Q That is what your schedule calls for, equated at $12\frac{1}{2}$ miles an hour?

A That is if you go overtime.

Q Your pay is converted on the basis of $12\frac{1}{2}$ miles per hour according to your schedule?

A That is right, that is the Brotherhood of Locomotive Engineers' schedule, in freight service.

Q On the Mountain to handle the same length train that you would handle in other territories you would have to have additional units?

A That is right.

Q For instance, would it be two units on the Shuswap and perhaps four on the Mountain?

A Roughly, not quite.

Q And additional units add weight on drivers?

A That is right.

Q And weight on drivers increases the pay of the engineman?

A That is right.

Q And of the fireman?

A And the fireman.

Q And in that way there is some additional

remuneration given?

A There is a slight remuneration, yes.

Q You said something about the fact that the schedules for symbol freight trains were, I don't know the word you used --

A I suggested that you could not make it --

Q Unrealistic?

A That is right.

Q With full tonnage?

A I could make it with a caboose hop.

Q With full tonnage?

A Could not possibly do it.

Q In regard to symbol trains on the Mountain, you are running at quite a reduction of A rating, are you not?

A I would not say so, no. I believe on stock trains there is a margin possibly of 10 per cent, I don't know, but we are down to an average of about 11 or 12 miles an hour on the grade. We are out there to make track speed on all trains if we can.

Q You also have -- symbol train or extra or fourth class --

A It doesn't make any difference to us as far as our job is concerned. The one pays the same as the other; all the same rate.

Q You are trying to make track speed?

A That is right.

Q You say on the Mountain on the grades you get down to what, 10 or 11 miles per hour?

A 11 to 12 is about the average.

Q You have run the Shuswap?

A That is right.

Q And on the grade out of Crown William (?),
just out of --

A Revelstoke.

Q Revelstoke, you are down to about that
speed?

A That is right.

Q And on Notch Hill?

A Notch Hill, they are both short hills.

Q Short hills, eight miles?

A Nine, I think it is.

Q That is the same as the witness who was
here who told us that in Switzerland they
had flat country, that in certain places
if the grade was less than, I think it was
3 per cent, that was considered flat country.
That is the same as a hill being short when
it is nine miles long?

A That is right.

MR. LEWIS: Just relative.

BY MR. SINCLAIR:

Q You have some difficult lifts on the Shuswap?

A Not very many, one or two.

Q Out of Chase?

A No.

Q No difficulty lifting out of Chase; that
is not a heavy lift?

A No.

Q On the curve coming into Kamloops?

A Never experienced any.

Q Never heard of anybody having difficulty lifting their train on the Shuswap?

A Not too much. Carlin, a place called Carlin, the first siding east of Notch Hill.

Q There is some territory on the Mountain that I might term water-level routes?

A Yes. I believe there are about 28 miles of it from Golden to Beavermouth. You have a grade there between those places around Redgrave (?).

Q Good running in there?

A It is good running; dynamic brake territory, though.

Q Lots of dynamic brake territory on the Shuswap too, is there not?

A Just down two hills, at Crown William (?) to Taft and Notch Hill to Chase.

Q You are using the dynamic brake at other times on the Shuswap?

A No, I never use it, no. I use the slack stretch method.

Q All enginemen do not handle it the same way?

A That is correct.

Q You said in your brief, Mr. May, that one of the responsibilities of the locomotive engineman was to see that the fireman was in his place?

A Yes, that is right.

Q It is also one of your duties as engineman

to see that the head trainman is in his place?

A When we have control of them, yes.

Q You know of cases where discipline has been assessed because conductors of enginemen did not see that the head trainman was in his place?

A That is right.

Q As a matter of fact that is provided for by the Uniform Code of Operating Rules?

A Yes.

Q The responsibility there is specifically put on the conductor and engineman?

A That is right.

Q As to seeing that the head trainman is in his place in the locomotive; correct?

A Yes.

Q I was just a little puzzled -- maybe I did not understand you -- about your reference to Rule 105, how it came in there. You referred to where you had to keep your speed so that you could stop within half the distance you could see?

A That is yard speed, I believe.

Q Rule 105, Mr. May, applies only when you are not using the main track?

A That is right, other than the main track.

Q You would not be moving faster on other than the main track anyway, would you?

A No, we would not be running faster, but we oftentimes are running blind.

Q On passenger trains do you --

A They are governed by the same rules.

Q And they do it successfully with two men on the head end?

A That is right.

Q You gave some evidence concerning the training of enginemen?

A Yes.

Q This Commission has had evidence of a railroad that operates and has operated since its inception without firemen. I am just going to let you have the facts as I recall them. They handle up to 16,000 tons with four units, 130 cars.

A Labrador.

Q Yes; you know about that?

A Yes, that is right.

Q Do you also know that they have taken trainmen and made enginemen out of them?

A That is right.

Q And that they were good enginemen?

A They could be.

Q As a matter of fact they are members of your organization, are they not?

A That is correct; I presume so. I don't know that we have a certificate there, but I imagine we have.

Q You take it that I am recalling the evidence correctly, that you have, the Brotherhood of Locomotive Engineers?

A I believe so.

MR. LEWIS: We have, yes.

BY MR. SINCLAIR:

Q Your organization in signing a contract with the Quebec North Shore never suggested that there should be a helper there, did they?

A I could not say.

Q They have not that in the contract anyhow.

A (No audible answer.)

Q As a matter of fact your organization represents firemen on certain railways as well as enginemen, does it not?

A So I believe.

Q In your brief you made some reference to highway crossings?

A Yes.

Q Motorists and the hazards that were created. Your suggestion was that the helper was of some assistance at highway crossings. That is what you had in mind?

A That is right.

Q You would agree, would you not, that the drivers of motor vehicles approaching railway crossings, that their conduct is completely unpredictable?

A That is correct.

Q That there is really nothing an engineman can do when some of these, if I may use the phrase, cowboys, start getting out on the highway?

A Well, possibly there is nothing you can

do, but you can at least make an attempt and you wouldn't have it on your conscience if you thought, "Well, now, I should have set the brakes." You are going to do the best you can. You are going to relieve your conscience by doing the best of your ability. You wouldn't want that on your mind; at least I don't think I would.

Q Would you agree with this statement:

"It is difficult or impossible for the locomotive engineer to know whether the driver of a vehicle approaching a highway crossing is going to stop on reaching the crossing or will remain stopped upon arrival at the crossing. It has been my observation that the conduct of the drivers of motor vehicles in this respect is totally unpredictable."

A I would agree with that.

Q That is the statement of Guy Brown; do you know who he is?

A I know who he is.

Q Who is he?

A He is Grand Chief Engineer of the Brotherhood of Locomotive Engineers.

Q Mr. Brown made that statement in evidence he presented in 1954 in Arbitration Board 192. For my friend's information that is to be found at pages 215 and 216 of Volume 1 of the transcript. You get a good class of

head trainmen on the Shuswap and Mountain Subdivisions, Mr, May?

A They eventually turn out to be good men, yes, the majority of them.

Q Just as good as firemen?

A Well, I suppose they are, but I mean they are not trained as the fireman is.

Q You mean that they do not have as much work to do?

A They are --

Q -- as in the old days?

A They are altogether different; their duties are concerned with the box car and the train itself.

Q They are not interested in signals and safe operation?

A Well, that is one of the brakeman's duties, to pick up signals and make running inspections, pick up highballs, relay signals.

Q And also make sure that the operation ahead is clear?

A Quite true, yes. It has been recognized that oftentimes the brakeman is on the right-hand side due to curvature and that.

Q When you are on a passenger train -- have you run passenger?

A Many times, yes.

Q You make running inspections by looking back when you are running passenger as engineman?

A Quite often, yes.

Q At that time if there is any lookout ahead it is only on the one side, is it not?

A That is right.

Q You do not slow down when you look back, do you?

A No.

Q When you are going around a right-hand curve you try to inspect your train yourself, do you not, from time to time?

A Quite often, yes, if conditions will permit.

Q What you do is you look back and look ahead, or you make observations when you know it is all right to do so?

A Yes, but lots of times it is not all right to do so, depending on circumstances.

Q Then you do not make an inspection?

A That is right.

Q And the head brakeman could govern himself in exactly the same way?

A Well now, he has only got certain places he can pick up these highballs due to the left-side of the train and the curvature and mile boards.

Q I said he could govern himself in exactly the same way by making observations when it was safe to do so?

A Certain observations, yes, not all.

Q If he missed a highball from the tail end on the Mountain that would not be an unusual situation, would it?

A No, but he will try to get them.

Q There are many places you cannot get them?

A Well, unless you have an unusually long train you can usually pick them up at certain spots.

Q Mr. May, are there not places on the Mountain and Shuswap where if you go into a siding and you are going to pull out at the other end you have to guess whether the tail end is on or not?

A Well, you don't exactly guess. You have the telephone posts to count and in many cases they are marked with the car length, 60, 70 or 80, as the case may be.

Q Have you never whistled off and they prayed you were not going to get the air because you had left the tail end sitting out in the mountains with a grizzly bear?

A That has never happened to me, but it has happened.

Q The latter part of your brief made reference to additional training for firemen?

A Yes.

Q What you had in mind, I take it, was mechanical training?

A Yes, that is right.

Q So that they could be back in the units doing work for quite a bit of the time, making adjustments?

A That is as necessity arose, yes.

Q Keeping the thing tuned right up so that it

will run?

A That is right.

Q Like it is running now all the time?

A All the time, did you say?

Q Yes. Some of the work that has to be done on diesels requires five years' apprenticeship, as in the case of an electrician, just to start to learn about it; is that not right?

A I could not say; I have never had that experience.

Q If you are going to make the fireman into what I will call a mechanic or that type of thing and if he is going to be making adjustments back in the engine room as you are moving over the road, you think that that would assist the operation?

A I believe it would. We have quite a number of good men right now. Some of them have taken courses and others have got it out of books. Together with their practical training they have turned out to be really good men. In fact some of them are in many ways as good as our maintainers.

Q I thought you were going to say some of them were almost as good as enginemen?

A I leave that to you.

Q Would that be right?

A I could not say, I would not want to answer that.

Q Thank you, Mr. May. That is all.

A Thank you for the privilege of appearing

before you and I hope that our assistance may be of some benefit to you later.

THE CHAIRMAN: Thank you. That is what we are here for.

G.H. MUNRO, Sworn

BY THE CHAIRMAN:

Q Where is your residence?

A 4643 Westmount Drive, North Burnaby.

BY HON. MR. McLAURIN:

Q Vancouver?

A North Burnaby?

BY THE CHAIRMAN:

Q And your occupation?

A Locomotive engineer.

Q All right, will you proceed?

A I am appearing before you on behalf of the locomotive engineers in the Vancouver area. These men have signed a petition expressing their opposition to the removal of the helper from diesel locomotives in freight and yard service and they have authorized

me to make the appropriate representations. When we had these men sign this it was read to them or they read it themselves. This reads:

"We, the undersigned,
employed as locomotive engineers by
the Canadian Pacific Railway Company,
wish to express our opposition to
any change which will permit the re-
moval of the helper from diesel loco-
motives in any class of service
because engineers who are responsible
for the operation of diesel locomotives
recognize the value of having a helper
on the left side of the locomotive cab;
first, to assist the engineer in
constant observation of signal indica-
tions, track conditions, etc., for the
safest operation possible for the
public, the shipper, the carrier and
the employee; and, second, in order
to give the necessary experience and
essential training to employees who
will become the efficient locomotive
engineers of tomorrow."

One hundred men have signed this, engineers working in the Vancouver area. They have signed this petition. If you examine this petition you will realize the number of years experience that is represented in these

sheets of paper.

It would be ideal if all these men could appear before you in person and relate to you the circumstances in which he, the fireman, has been the cause of saving life or property, either by means of giving warning or by suggestion. These instances are never recorded but they remain in the memories of the men who work together in the locomotive cab.

If economy is the reason offered for dispensing with helpers, the water pump and other gauges would have been moved to the engineer's side of the cab years ago. It might have saved money but efficiency would have been sacrificed; no doubt about it.

The advent of dieselization has not changed the picture one iota. The safety of train operation in all its aspects is still the prime duty of the helper and when safety is sacrificed it puts lives in jeopardy. There is no **prime** question of economy.

The engineers feel that the removal of the helper from diesel locomotives, if they are to be future engineers, would be a drastic mistake and we trust the Commission will reject the proposal.

I do not intend to go into this any further because Mr. May has given a very good resume of the feelings of the engineers in this division and what he said covers all

that we would want to say. Thank you.

MR. LEWIS: No questions.

MR. SINCLAIR: No questions.

WILLIAM FRANCIS DOYLE, Sworn

BY THE CHAIRMAN:

Q Where do you live?

A 2915 Waterloo Street, Vancouver 8.

Q And your occupation?

A I am a yardman.

Q All right, you may proceed.

A Mr. Chairman and gentlemen of the Royal Commission, I am appearing before you on behalf of yardmasters, assistant yardmasters, yard foremen and yardmen employed by the Canadian Pacific Railway Company who have signed a petition which is attached herewith expressing their opposition to the removal of the helper from diesel locomotives in freight and yard service and have authorized me to make appropriate representation in the matter.

The railway operates at all hours of the day and night and under climatic conditions varying from one extreme to another.

Unexpected situations arise on nearly every shift and in fact it is very rare for the same condition to occur on two successive shifts, even in the same yard coupled with this the engine crews are being placed under constant strain because of the unpredictable actions of the public approaching and travelling over the thousands of railway crossings at grade.

Other classes of employees as well as the public using railway facilities are usually engrossed in their work and quite often overlook the fact that they might be in danger from moving equipment. No safety regulation or device has ever been effective in eliminating the danger of children wandering or playing on or near railway property, and there are many instances when the fireman or helper on the locomotive was the only one who saw and realized the danger in time to avert a mishap involving children, fellow employees and the general public.

Situations such as these arise when the rest of the crew are on the engineer's side, engaged in the work required of them and the fireman is the only one able to give strict attention to what is transpiring on the left side of the operation.

We believe that in spite of all that has been said in promoting safety in

railway operations we are still a considerable distance from perfection. We believe that a five-man crew in yard service should be considered the minimum number required and to reduce the crew by removing the fireman simply reduces the present margin of safety.

In view of the foregoing the yardmen for whom I am speaking feel that the removal of the fireman from the diesel locomotive is fraught with danger to the general public and is adding a strain and responsibility for the yardmen. We consider the idea of reducing a yard crew by removing the fireman gives no thought to the practicability of the yardmen being able to safely and effeciently cope with the dangerous potentialities resulting from such a move. We trust the Commission will reject the company's proposal to discontinue the employment of firemen or helpers on diesel locomotives in yard service.

HENRY WALTER COLBOURNE, Called

BY THE CHAIRMAN:

Q You live in Vancouver?

A Yes.

Q And your occupation?

A Railroad conductor.

Q All right, just go ahead.

A My address is 8743 Southwest Marine Drive, Vancouver 14, B.C. The brief I have is addressed to the Royal Commission.

Q Are you a freight or a passenger conductor?

A Pool on this division, but presently a passenger conductor between here and Kamloops.

Mr. Chairman and members of the Royal Commission, my name is Colbourne. I have been employed by the Canadian Pacific railroad here on this Vancouver Division in train service since October 19, 1926, and have been a conductor for a little over ten years. I represent the conductors working for the Canadian Pacific Railway on this division, as I am Local Chairman for the Conductors Committee for the Brotherhood of Railroad Trainmen, which organization holds the bargaining rights.

The general officers of the Brotherhood of Railroad Trainmen have directed that I appear before you today to present such facts as seem significant in the operation of engines on this Vancouver

Division of the Canadian Pacific Railway between here and Kamloops 250 miles east, in relation to the requiring of a fireman or helper on all railroad engines.

The advent of the multiple unit diesel-electric locomotive revolutionized railroading. The dieselizing of any division has been marked by longer trains, resulting in less frequency of movement for any given tonnage or number of cars handled than with steam operation, and a consequent reduction in staff account of fewer crews needed.

But diesel engines have made no change in operating methods hereabouts that would justify reducing any member from the time-honoured, long accepted safe minimum crew of five men, two on the engine, three on the ground, so to speak.

It appears to we train service men here on this Vancouver Division that withdrawal of the fireman-helper from freight and yard engines would make it impossible to operate if the present code of train rules, with present facilities for signalling and maintaining train movements in effect, had still to be observed and recognized.

We realize that under existing conditions, which include the competition in transportation business, the railroad

must give service at competitive prices and of an efficient nature in order that they may handle the proper portion of goods offered for transport and so remain prosperous. This ensures our future by assuring our jobs. And all this we think depends on maintaining safety and efficiency at today's level at least, which in turn hinges on performance of established train and engine movements under control of standard crews.

Most of us that have been connected with train and yard movements for a few years can recollect incidents where the vigilance of one or the other crew member prevented accidents. Quite often it was the fireman whose attention first noted danger.

Just recently, early in the morning, last Monday 7/8/57, while the Kamloops yard engine was pulling a caboose out of cab track to place on rear of a freight in the west end of the yard, a train that had just arrived from the west was doubling over and cars/in some manner was pushing them around the main lead instead of into a rear track, and only the fireman's alarm prevented what could have been a disastrous converging side swipe. It should be pointed out although all members of this yard operation were in their right logical stations only

the fireman was so positioned to note the above circumstances in time to offset disaster.

May I thank you for the opportunity to relate this, and for your attention.

BY MR. SINCLAIR:

Q This matter at Kamloops, you were putting a van on the train?

A Into the yard with the movement.

Q You do not know where the yardmen were positioned?

A I went up the yard and was pointed out where they were.

Q You did not see them yourself?

A No, I did not.

F.N. HAUKAAS, Sworn

BY THE CHAIRMAN:

Q You live in Vancouver?

A Nelson, B.C.

Q And your occupation?

A Locomotive engineer.

Q Will you just proceed.

A Mr. Chairman and gentlemen of the Royal Commission, on behalf of the members of Division 579, Brotherhood of Locomotive Engineers, Nelson, B.C., I, F.N. Haukaas, Local Chairman at that point, have been instructed to present the attached petition signed by 23 members, all of whom are in favour of retaining firemen helpers on diesel-electric locomotives.

In support thereof I request permission to present the following brief covering certain conditions on our territory and several incidents that have occurred in the past.

On September 14, 1956, Train No. 81, Boundary Sub, with units 8903, 8436, and 4064, were proceeding westward at approximately 12 miles per hour on the 2.2 grade Eholt hill when the air compressor on the 8903 went bad order necessitating the unit being shut down for the remainder of this trip. The brakeman went back and made a cut in preparation of doubling the

the train to the top of the hill. After proceeding perhaps a quarter of a mile it was realized that the two remaining units would not reach 10 miles per hour, which is required for units of the type of the 4064.

The fireman was sent back to make a further cut and the head-end trainman was left with the cut-off cars, the fireman returning to the cab over the top of the cars. At Eholt the fireman headed the train in, applied hand brakes on the cut, lifted the derail and lined the switch at the other end of the passing track. The units then moved on to the main line, the fireman replaced the derail and lined the switch which had been left open. He lined this switch and then by pre-arrangement rode the cab of the trailing A unit within convenient access to the whistle and emergency brake and from where he could observe the road around the heavy curvature.

Coupling was made to the cut-off cars, the fireman returned to the cab and the movement proceeded towards the remainder of the train with the head-end brakeman riding the point. A coupling was made and after lifting the train and failing to make more than 8 miles per hour a further cut was made, in all three cuts.

The second cut was backed on top

of the first one at Eholt with all signals on the fireman's side due to the heavy left-hand curvature. The third cut was left on the main line at Eholt, whilst the first two were picked up and backed on to the third with all signals on the fireman's side. The train then proceeded to the terminal, Midway, B.C., the engine crew having been on duty nearly fifteen hours.

From this it should be seen the valuable service rendered by the fireman in getting this train over the road, as at the beginning there was one man flagging, one man with the detached portion, one man with the second detached portion and the fireman and engineer going to Eholt with the first cut.

On April 2, 1956, Train No. 87, Boundary and Rossland Subdivisions, was proceeding westward with 117 cars when a knuckle was pulled a way back from the trailing unit when a reduction of speed was made for a slow order of six miles per hour. The fireman assisted in carrying a spare knuckle back and then in passing signals to the engineer to recouple. An additional car was picked up at Castlegar, making 118 cars in the train. When the throttle was closed preparatory to drifting on the down grade at Poupore the two trailing units sounded alarm bells and both the units

quit. The fireman rushed back and had them both restarted, thereby making a stop unnecessary.

When this train was headed in at Tadanac's No. 1 track, which holds approximately 80-some cars it was necessary to head out the far end some 30 car lengths in get the tail end into the clear. The fireman lined the lead switch on the fly and then ran back and climbed on top of cars to assist the head-end trainman and a yardmaster in passing signals so the head thirty cars could be cut off and backed down the lead to clear. This movement took place on heavy up-grade with sharp right-hand curve restricting vision.

Westward Freight crews switching west end of Castlegar yard -- Castlegar, a junction between the Rossland and Boundary Subdivisions, is that point at which westward freight trains fill out to full tonnage from the west end of the yard. This often involves a great deal of switching and due to the sharp curve which starts at the west switch it is necessary for signals to be given to the fireman by the brakeman from either the ground or, if the movement goes sufficiently far, from on top of cars. The steep bank on the engineer's side makes it impossible for the brakeman to get out far enough to pass signals to the engineer.

Due to the sharpness of the curve the engineer cannot see past the second unit.

Personal Injury to Yardman Barnes, Tadanac.

On April 4, 1957, the 23K yard crew were switching on the main line of the Trail branch in front of the Trail station. When the movement proceeded eastward, the fireman, Fred Cheesman, noticed Yardman Barnes on the brake platform of the car ahead of the unit on his side releasing the hand brake. As the brake came off the fireman noticed that Barnes spun with the wheel and started to fall. The fireman immediately called for an emergency stop and the stop was made. Yardman Barnes was found lying on the station platform beside the front end of the unit.

Yard service, Warfield Yard, Rossland Subdivision.

This yard serves the requirements of the Fertilizer Division of the Consolidated Mining and Smelting Company of Canada. It is a large operation with heavy grades and curved tack and in some locations the Canadian Mining and Smelting Company narrow gauge railroad's movements conflict with the Canadian Pacific due to crossovers, etc. There are also three crossings within the yard used by the residents of Tadanac Flats to get to their homes. Apart from these

crossings there are a great number of crossings within the yard used by the Canadian Mining and Smelting office staff and various motor-driven vehicles of the company and it is desirable to know that these crossings are clear on both sides of the engine, for the protection of those using them.

Yard Service, Trail, B.C., Branch of Tadanac Yard.

This branch starts in Tadanac yard and leads to the city of Trail, B.C. In its length it passes over two intersections and six crossings. Of these crossings and intersections one crossing is protected by a wig-wag warning device and one intersection by traffic signal light control, manually operated by the crew when switching is in progress in this area. One crossing is on the arterial highway to Castlegar and in heavy use by the municipality of Tadanac and the motoring public. The remainder are located on Rossland Avenue and the downtown area of Trail. This section of track has businesses and residences along both sides and is heavily populated.

It is not uncommon to find motor vehicles parked foul of the right of way and children playing along the track. For the safety of the general public, including motorists, pedestrians and children, both

sides of the engine and movement must be closely watched.

Yard Service, Trackage between Tadanac Yard and Warfield Yards (descending).

This trackage includes three miles of track inside yard limits on a descending grade of better than 4 per cent on which retainers are used and switchmen required to ride the tops of cars for the safety of the movement. Should there not be a fireman in the cab this would leave the engineer alone over this piece of track on which there are two public highway crossings in the upper Warfield area in the vicinity of the Warfield passing track and two public crossings in the lower area which would have to be negotiated blind on one side of the engine.

Our membership respectfully request that the Royal Commission reject the proposal to remove firemen helpers from freight and yard service in the interest of the public as well as our own safety.

MR. LEWIS: No questions.

MR. SINCLAIR: No questions.

EDWARD ALAN KNUFF, Called

BY THE CHAIRMAN:

Q Where are you from?

A My address is R.R.1, Kamloops.

Q And your occupation?

A Locomotive engineer.

Q All right, just proceed.

A I am a member of Division 821, Brotherhood of Locomotive Engineers, at Kamloops. I am now acting in the capacity of Local Chairman while the regular Local Chairman is on holidays.

I am employed as a locomotive engineer on the Thompson Subdivision between Kamloops and North Bend. I entered the service of the Canadian Pacific Railway as a wiper on October 1, 1936. I was promoted to fireman on August 25, 1939, and classed as engineer on September 25, 1946. Immediately upon qualifying as engineer I have acted in that capacity continuously except for ten days in 1948 which I may say was due to high water in British Columbia and there were no trains running anywhere.

Mr. Chairman and members of the Commission, the membership of Division 821 of the Brotherhood of Locomotive Engineers are interesting themselves in this dispute solely from a safety point of view. The portion of track known as the Thompson Sub-

division extending from Kamloops, B.C., to North Bend, B.C., is somewhat different in geography and terrain than other parts of the Canadian Pacific Railway system. During the days of steam we handled what was known as momentum tonnage. In other words, we gained sufficient speed along flats and down inclines combined with proper engine handling we were able to get up the next grade.

As no doubt your Commission has noticed on your inspection tour our portion of the railway follows closely first the Thompson River and then the Fraser River to North Bend. The portion of trackage that we would especially like to draw to your attention extends between Spences Bridge, Mileage 72.8 and North Bend, Mileage 121.5. This particular trackage is subject continuously to rolling rocks regardless of weather conditions. In addition to the rocks we have extreme changes in weather conditions, particularly in winter weather. Lytton, Mileage 94.9, would appear to be the dividing line between the damp coastal areas and the interior dry belt. This is more noticeable in winter seasons. Eastward trains come in from the Cascade Subdivision through rain and fog and continue to move eastward from North Bend in comparatively mild temperatures. Upon leaving Lytton the decrease of temperature would be

noticed quite suddenly until arrival at Spences Bridge, where it could be zero or even lower. During the winter months we quite often leave North Bend in rain, sleet or fog and arrive at Kamloops some five hours later to find that the temperature is well below zero.

Your Commission will readily see that under such conditions our train would arrive in Kamloops heavily coated with ice. This could present an extremely hazardous condition for trainmen or switchmen if they were compelled to ride on tops or sides of box cars in order to carry out switching operations. This also presents engine crews with the freezing up of movable parts such as shutters, causing engine temperatures to vary. We have found that in operating General Motors units that it is necessary that immediate attention be given in order to forestall further trouble such as hot engines.

In the early part of this year we were confronted with a problem that continues now to cause enginemen a great deal of concern. On or about February 1, 1957, railway management saw fit to withdraw from service twelve of the twenty-one track patrolmen, ten of which were employed between Spences Bridge and North Bend (48.7 miles). By experience this portion of the railway is,

we believe, one of the most hazardous in Canadian Pacific operations. I have here copies of train orders addressed to all trains which have been in effect now almost six months, which read in part:

"Run cautiously between North Bend and Spences Bridge account danger of rocks on track."

Under these conditions it is imperative that a continuous forward lookout be maintained at all times. We are sure your Commission will agree that trainmen could not be expected to make frequent running inspections of their trains on either side and at the same time keep an alert lookout ahead. We have some sidings that are subject to obstructions on the track as well as the parallel portion of the main line. We have in mind the sidings of Thompson and Gladwin where we have case history of derailments when moving at slow speed through sidings, caused by rocks on the track.

The dividing line between Kamloops proper, population 8,912, and North Kamloops, population 4,500, could be considered for the purpose of this review, the Canadian Pacific Railway trackage and the Thompson River. In the Kamloops yard we have many conditions that make yard switching without a helper virtually impossible. The yard lead at the east end is on a reverse curve with 8th

Avenue crossing, which is provincial highway No. 5, immediately east of the outer lead switch. The engine in this yard is always headed east with the long end in front and with the three switchmen being utilized to work the reverse curve, the engineman has no other lookout at the crossing than the helper from the left side. This crossing is not protected by any safety device.

At the west end of the yard we also have a reverse curve with 3rd Avenue crossing immediately west of the outer switch, also 2nd Avenue crossing one city block to the west. These crossings are not protected by any safety devices such as lights, bells or arms, and the engineman relies entirely upon the helper for the forward lookout, as he is watching for signals from the switchman.

The crossings at grade with no protective devices mentioned accommodate heavy traffic due to the large number of wholesale houses and warehouses and also the city park and fair grounds which are located on the north side of the track, while on the south side just one and one-half blocks away is the main street of Kamloops and the only connecting highway with North Kamloops.

There is also another serious condition which exists in the Kamloops yard. That is the presence of pedestrians crossing

through the yard rather than going the long way around to either 8th Avenue crossing or 3rd Avenue crossing.

There is another bad unprotected crossing in the Kamloops yard limits that is at about Mileage 1.3 which leads to Mission Flats residential area and the B.C. Interior Sawmills Limited. There is a spur leading to the B.C. Interior Sawmills Limited just west of this crossing that is being spotted by yard crews almost daily and at certain times of the year logs on flat cars are brought over from the Canadian National Railways and pushed out to the spur for unloading. This causes a hazardous situation as there is no way for a switchman to ride on top of the leading car. Instead, two switchmen have to ride on each side of the leading car to convey any signals necessary to the engine crew from either side, depending upon curvature.

At each of these crossings visibility is restricted because of structures in the immediate area. It would appear to us in any way to reduce the vision now afforded enginemen would increase the hazards involved.

We are somewhat dismayed with the fact that your Commission had been advised that there is no danger of fires on Canadian Pacific diesel locomotives. We have known of fires on locomotives having occurred in the

past and more recently we have record of two fires occurring on our subdivision.

On March 17, 1957, Extra 8510 West experienced a fire which was expeditiously handled by the engine crew using two fire extinguishers. The second one we have record of was in the vicinity of Chaumox on May 24, 1957. Extra 4033 West experienced a bad fire in the lead unit. In this instance the fire extinguisher provided would not operate. Therefore, in spite of the efforts made by the engine crew, extensive damage was done because they were more or less helpless because of the lack of proper fire extinguishing equipment.

While it is agreed that lubricating oil and diesel fuel have a very high flash point and are somewhat difficult to ignite, nevertheless if they are subjected to heat such as contact with hot metal, an electric arc or an open flame, they will immediately commence vaporizing and in that state they are highly inflammable.

It is noteworthy that when our freight trains were powered by steam engines our tonnage over the controlling grade westward Kamloops to North Bend was 1,955 tons with a crew of five men and today, with a four-unit consist we can handle something a little less than four times the tonnage of steam, namely, 7,720 tons with no

A My fingers, yes.

Q You can do that pretty loudly, can you?

A Yes. He leaped back clear. My whistle drew the attention of the engineer at the same time and I threw my hand across the cab and he cut her right there and put the brakes on and he managed to avoid an accident.

MR. LEWIS: Thank you, that is all I have.

BY MR. SINCLAIR:

Q Mr. Manning, this first incident that you spoke of, that was at Salisbury Crossing, I think you said?

A That is right.

Q Salisbury Dry Crossing?

A That is right.

Q Were you pushing cars over the crossing?

A No, we had them attached to the rear of the cab of the engine.

Q You were moving --

A West.

Q Moving west?

A Out of the elevator.

Q The engine headed west?

A West, yes.

Q And you were going to double eight cars on to another track?

A Another track, which would be Track No. 1.

Q Where was the engine follower?

A Well, I couldn't be sure. I know Harbottle did say that the incident happened after the fellow got across, but I wouldn't be certain of that. I think he was on the side where he should have been receiving signals from the crew behind him.

Q You had started your movement and were going to clear the switch?

A We had made one double and were going to make a second double to Track 1.

Q Just one thing at a time. You had hold of eight cars?

A Yes, approximately eight cars.

Q You were going to clear the switch and then back on to another track and leave the cars there?

A No, after we doubled to that track we were going to pull the whole three tracks out to switch them.

Q So you were going to have to move up past the switch, have that switch closed down the lead, have another switch opened and then go on to a string of cars on another track and then pull that entire track; is that right?

A I do not think I follow you closely.

Q You were pulling west?

A That is right.

Q Pulling eight cars?

A That is right.

Q You were going on to the lead?

A We were pulling out on to the lead there.

Q With the switch lined for your movement out on the lead?

A Correct.

Q It would have to be closed before you made your back-up movement?

A Into the other track, yes.

Q And the switch on the other track would have to be opened to let you in off the lead into the other track where you were making your double?

A No, you pull out and your switch going down to Track 1 is right on, just west of the crossing, so you just pull out and pull clear of that switch.

Q How far were you from the switch when you were at Salisbury Drive?

A Which switch?

Q The switch on to the lead.

A The lead switch is away out. That was lined all the time we were pulling all three tracks. The switchman doesn't have to touch that.

Q You had left it lined?

A It would have to be lined.

Q I asked you had it been left lined? Had your movement left it lined?

A Yes.

Q Then you pull out?

A That is right.

Q The switch for you to back on to the other track would have to be lined for the back-up movement into the other track?

A After we had cleared that switch.

Q After you had cleared that switch?

A Because Track 1 switch --

Q After you had cleared the switch of the track you were on you were going to back into this other track?

A That is right.

Q And after you had cleared the first switch somebody lined the switch, one of the ground crew lined the switch for your back-up movement; is that right?

A This is after the incident. We had doubled to Track 2.

Q This is after the incident?

A Yes.

Q You only had eight cars?

A We were coupled on to eight cars. We were in the process of pulling out of 2.

Q You had a ground crew there?

A That is correct.

Q Were they all with the movement?

A I presume they were on their stations on the right-hand side.

Q There were three of them riding on the right-hand side of the eight cars?

A They were in that vicinity, on that side; I couldn't say definitely where they were.

Q There was one of them on the platform on the leading end of the diesel?

A No, there wasn't none on the front end.

Q He could have been there?

A No. As far as the engineer saying he was on the ground on the right-hand side of the engine in that vicinity.

Q He was not there as far as you know from the engineman's statement, but there was nothing in his work that would have prevented him from being there when you made the movement over the crossing?

A That is correct.

Q Did you whistle for the crossing?

A The bell was ringing.

Q I asked you --

A As far as the whistle, I don't really recall whether there had been a whistle.

Q You cannot remember whether you whistled?

A I cannot recall whether we whistled, whether the whistle was blown this time or not.

Q It should be blown there for that crossing?

A Pulling out of there generally it isn't the practice.

Q It is not required by the rule, to whistle when you are going across Salisbury Drive?

A I don't think there is a whistle post there.

Q Is there any anti-whistling bylaw that is applicable in that territory?

A I could not say that.

Q You are required by rule to whistle, you know, a 12 (1) whistle?

A That is correct.

Q But you cannot say whether it was done there or not?

A I could not tell you whether it had been done or not.

Q At least on this occasion?

A I cannot recall.

Q If you had whistled as you went up to the crossing that would have attracted the attention of the truck?

A He saw us.

Q I said that would have attracted the attention of the truck that you were going ahead, as a warning to him; that is what the whistle means, does it not?

A That is true, yes.

Q This move that you made at the Terminal Dock, that was on June 18, 1957, when you said a truck came and made a "U" turn right in front of your engine as you cleared the building?

A Just as we were about to clear the building. We were just nosing from behind the building.

Q You were just nosing from behind the building, ready to come up and get back into S yard?

A That is right.

Q You would come up and go over the crossing, the highway crossing, and then you would be into R yard; you were going to go into R yard?

A Between the two.

Q Between S and R yards?

A That is correct.

Q You had gone down from R yard with a number of cars, you say, shoving them in?

A Yes.

Q Attached to what part of your diesel?

A The rear of the diesel.

Q You had pulled them in?

A No, we shoved.

Q You backed them in?

A Backed in with the cars attached to our rear.

Q You were on your reverse movement, you were coming with the engine pointed west?

A Correct.

Q And had the three crew members gone down with the movement?

A Yes, they were there.

Q They had gone down and were coming back with the light engine to assist in the work in S and R yards?

A That is right.

Q They were riding the back of the diesel as far as you know?

A As far as I could say there was two men.

Q You don't know where the third man was?

A The third man, I couldn't tell you.

Q Was the third man on the front of the engine on the engineman's side, do you know?

A Not to my knowledge, my understanding.

Q Did you ask the engineman?

A Yes.

Q You asked the engineman where he was and he

didn't know?

A He said he was on that right side somewhere. He would certainly have swung the engine down if he had been there.

Q When you are making a move like that there is nothing to prevent someone riding the leading platform of the diesel?

A That is quite within the rules, yes.

Q And it is quite within good switching practice, is it not?

A That is correct.

Q And on June 19, 1957, there was a third incident you spoke about. This was when you were switching in L yard and you were using the Canadian National lead to run around with one car; that is as I understood your evidence to be.

A That is correct.

Q You say you were using the Canadian National lead to get to the other end of your movement?

A That is right.

Q And in this move where was the car attached?

A It was attached to the rear of the engine.

Q Were you shoving down or pulling?

A Shoving down.

Q You were moving then with the box car and then your engine?

A That is right.

Q You were shoving in what direction, east, I think you said?

A East, that is right.

Q And you had a three-man crew?

A Yes.

Q Was one of them riding the lead car?

A I could not tell you where they were; I don't know exactly where they were at that time.

Q You do not know?

A No.

Q Did you ask the engineman in this instance where he was?

A No, I did not.

Q You didn't see any of them?

A I didn't see any of them on that move, no.

Q Did you see any of them after you stopped? You made a full service application, I think you said?

A With the independent brake, yes.

Q You made a full service application and stopped?

A Yes, that is right.

Q Did your yard foreman or yardmen not appear when you stopped? Did you see them?

A Well, they didn't come around to that side, no.

Q Did you hear anything from them?

A Nothing.

Q When you stopped without any reason or for some unknown reason do the yardmen just stand there?

A They may have noticed what had transpired after the truck had stopped.

Q You do not know whether they might have noticed what was transpiring before it stopped, do you?

A I could not see that, no, except the engineer asked me why I had whistled; he asked me why I had given out with the whistle and had swung him down.

Q You do not know whether the man actually knew you were there or not? You are assuming he did, just like some assumptions that are made that people are standing foul when they are not foul?

A He was definitely foul.

Q I have had somebody tell me I was foul when I was not foul. Did you measure it?

MR. LEWIS: The witness is not giving evidence about learned counsel. I could, but he cannot.

BY MR. SINCLAIR:

Q This may have been a workman, this man, and he may not have been foul even though you thought he was?

A I have been around long enough to know when a man is foul of the track. He was definitely with his heels pretty near the end of those ties.

Q That is the way it looked to you, anyway?

A That is the way it was.

Q That is the way it looked to you. You did not measure it?

A No, but you can see by lining up the side of

the car when you are looking back.

Q When you look down the track can you always tell whether a car is foul or not?

A When you get that close you can; you can see pretty well whether it is going to be tight or whether you will clear it.

Q Have you ever seen a yardman measure to make sure?

A That is right.

MR. LEWIS: I might say that the photograph which appeared in this morning's Province, I think it was, shows the Commission and Mr. Manning in the cab of the engine.

HON. MR. McLAURIN: It is rather pleasant to have somebody's picture appearing besides that of the Commission.

CLARE LLOYD MORGAN, Sworn, Examined

BY MR. LEWIS:

Q Mr. Morgan, you are employed by the Canadian Pacific as a fireman in the Vancouver yards; is that right?

A Right.

Q You told me you joined the Canadian Pacific as a wiper on September 5, 1951?

A That is right.

Q And that you were promoted to fireman in either March or April of 1952?

A That is right.

Q And that you have not passed the mechanicals and the A book to become qualified as an engineer?

A That is right.

Q Mr. Morgan, there are a couple of incidents that occurred to you which I would like you to tell the Commission about. First, do you recall working on a yard shift on June 20 of this year in G yard, the east end of G yard?

A Yes, I do.

Q Do you remember what shift it was?

A The 5.30 morning shift.

Q Do you remember the number of the engine?

A 6522.

Q Do you recall who was your engineer?

A A. Paul.

Q You have told me you were working in the east end of G yard on that day. Do you recall what you were doing?

A We had just finished setting off some oil cars at the Imperial Oil right close to Gore Avenue crossing. We had set these cars off.

Q When you were working with those cars to what end of the engine were they attached?

A To the nose of the engine. We had backed up over Gore Avenue crossing, lined the switch, gone into the Imperial Oil with these oil cars, set the cars off, and we had come back over Gore Avenue crossing with a light engine.

Q You backed with a reverse movement over the Gore Avenue crossing with a light engine?

A With a light engine and the bell ringing. Our intention was to go back up the lead to the main track over Gore Avenue crossing again. So we pulled back over the crossing. I presume the groundman lined the switch.

Q Did you see?

A I could not see anything. All the signals were given on the engineer's side.

Q You were backing over the crossing?

A The engineer opened the throttle and the engine jumped forward, started a forward motion.

Q When you backed over the crossing did you keep on going or did you stop?

A Well, we just come to a gradual stop. Once they cleared the switch he made an application,

just an easy stop. There was no need to stop right on the point.

Q You did stop?

A Oh, yes, we stopped our movement.

Q Then you started again?

A Forward.

Q Forward again?

A Over Gore Avenue crossing and the engine started off pretty lively because we had to go up and pick up some more cars. Right at that moment I noticed a man coming from my side of the cab toward the crossing, in front of the engine, and a very short interval after that I noticed he was carrying a white cane. I hollered across to the engineer, "Paul, there is a blind man crossing on my side, hold her." So he made an immediate application of the independent and we slowed right up.

We started to stop and in the meantime the blind man was across. Like, we were just about stopped and he crossed over to Paul's side, like the engineer's side, and then we let the air off and proceeded.

Q Did you have a ground crew with you?

A We definitely had, but I have no idea where they were. They were all working on the engineer's side.

Q Did you see any one of them as this incident occurred about the blind man crossing?

A I could not see them, no.

Q Did you see any of them after the incident occurred, after the blind man had crossed Gore Avenue?

A No, not until we went on working for maybe 10 or 15 minutes, but they were all on his side. Whether they were walking up or riding on the platform is more than I know.

Q Now then, you had a second incident which I would like you to tell the Commission about. Do you recall working on a yard shift on July 9 of this month, just a few days ago, near the Canadian National Steamship pier?

A Yes, I do, sir.

Q Do you remember the number of the engine on that day?

A 6575.

Q Who was your engineer?

A Engineer Jim Burns.

Q Would you describe what your movement was, what you were doing at the time?

A Well, we were attached to around fifteen cars, I believe it was.

Q They were attached to which end of your engine?

A The nose of the engine. We were backing up again.

Q Pulling the cars backing up?

A Pulling them, yes, and at these gates -- they are protected crossings, the crossings are protected by gates.

Q Which crossings are you talking about?

A I am not sure of the names.

Q Roughly, where are they and is there more than one?

A There are three gates there that protect the crossings and there is an over-pass right there to go to the Union Steamship docks. It is right in the vicinity of the Union Steamship docks.

Q You say there are three crossings, each one protected by gates?

A That is right. Well, we backed up with the fifteen cars and naturally I was facing the direction of the movement and I noticed when the gate shut there was this man standing inside the gates, like on Canadian Pacific property.

Q You noticed that when you were backing up?

A Yes. We were making a back-up movement and naturally you keep your eyes open when you are coming to these crossings, whether they are protected or not, in case somebody slips in under the gates. I noticed this man standing there.

Q Did you notice anything about the man?

A Well, he was minding his own business at that time, that is all I could see right then. He was just standing there.

Q And had you backed over this crossing?

A We had gone just about the length of the engine over the crossing and we had stopped. As soon as we stopped I heard the engineer

put it into the forward position and release the air so I turned around to face the movement.

Q Which would at this time be forward?

A Forward. Right then I noticed a man crawl or emerge in front of the engine to cross right at the buffer plate of the engine.

Q Between the engine and the first car attached?

A And the first car. I told my engineer, "Don't move, there is a man staggering in front of the engine." So he held it and he said, "What is he doing?" I said, "I don't know what is up or anything at all." He staggered over to me --

Q Who staggered over to you?

A This individual.

Q Don't get the engineer into trouble.

A No.

Q Rule G is pretty important.

A It certainly is.

Q This man staggered over to you?

A Well, alongside the side of the engine and just sort of looked hazy and then he wandered off to where he came across the tracks and he was clear and I told him it was all right to proceed.

Q Told whom?

A The engineer.

Q Did you speak to this man who staggered up to you?

A Well, he spoke to me first. He said, "Where are you going?" He sort of swerved. I said, "We are not going anywhere. We are going backward and forward. You had better get out of here or you will get run over."

Q He followed your advice?

A Yes.

Q Where was the yard crew at this time?

A I have no idea; they were giving signals on the engineer's side. The cars were to be distributed, they had to be spread out. I have no idea where they were.

BY MR. SINCLAIR:

Q This last incident, the staggering man, did you smell any wine on him?

A I couldn't smell it from that distance. I wouldn't say he was drunk or intoxicated but he acted as though he was. That is all.

MR. LEWIS: He has a right to live.

BY MR. SINCLAIR:

Q He was under the influence of liquor in any event as far as you could gather?

A It appeared that way, yes; if he was not --

Q He was making a good attempt to show that he was. Then the other move you were speaking of, June 20, 1957, Gore Street crossing; you moved across cab-first and then reversed?

A I beg your pardon?

Q You moved across the Gore Street crossing

with a light engine cab first?

A Yes.

Q And then you reversed and came ahead with the engine ahead?

A Right.

Q And the switch is on which side of the crossing, east or west of the crossing?

A It would be the east side of the crossing.

Q On the east side of the crossing. So you cleared that switch?

A We cleared that switch.

Q This switch was thrown and you moved ahead?

A As far as I know, yes; we went on the track that we would have went on. I couldn't see anything on the side.

Q Had you passed the man who threw the switch with the point of your engine?

A I imagine we had.

Q Did he entrain?

A I could not say; it was on the engineer's side, the switch was.

Q There were two other of the ground crew who came across with you?

A I don't know if they did or not. We had set off these cars and they may have been tying those oil tankers down. I have no idea. I didn't come in contact with them.

Q There was no reason why this man, there was no work to keep this man who threw the switch from riding the front platform of your engine as you came across Gore Street?

A There was none to my knowledge.

Q Are you sure you were moving before the man that was behind was clear?

A I beg your pardon?

Q Are you sure you were moving forward on to the crossing before this blind man was clear?

A We started moving before he reached us. Like, he was just on to the crossing when we started to move and I seen him there.

Q He must have passed the switchman then?

A No, he was coming on my side.

Q He was coming towards where the switchman was?

MR. LEWIS: The witness said he did not see the switchman where the switch was.

BY MR. SINCLAIR:

Q He was coming towards where the switch was?

A Yes, but the engine blocked any visibility that he could see the switchman or the switchman could see the blind man. For that matter, the blind man couldn't see.

Q You must be talking about the Canadian National. They are the only ones who can see.

MR. LEWIS: My friend is too modest.

BY MR. SINCLAIR:

Q Did you sound the whistle for the Gore Street crossing that day?

A Well, I could not say. The bell was ringing during the entire operation and normally there should have been a man on the leading platform to give signals.

Q Normally there should have been a man on the

leading platform to give signals?

A There should have been; I cannot say that there was not.

Q You cannot say there was not?

A No, I cannot say there was not and I cannot say there was.

ROBERT WILLIAM DICK, Sworn, Examined

BY MR. LEWIS:

- Q You informed me that you now work as an engineer for the Canadian Pacific in the Vancouver yards?
- A That is correct.
- Q And that you joined the Canadian Pacific in 1943 as a wiper?
- A That is correct.
- Q And that you were promoted to fireman in 1944?
- A Yes, correct.
- Q And that you were qualified as an engineer in 1951?
- A Correct.
- Q I do not need to take you back very far in time, Mr. Dick. Do you remember working on a yard job yesterday?
- A Yes, sir.
- Q On the 23.00 o'clock shift, was it?
- A 23.00; on the night of the 10th, the morning of the 11th.
- Q Spilling over into the morning of the 11th. An incident occurred on that shift yesterday that I would like you to tell the Commission about, Mr. Dick. Where were you working at the time of the incident?
- A At the time of this incident we were working at the east end of G yard.
- Q What track were you on?

A We were making up the first switcher and were working on the north lead. At the time we had been making various moves on this north lead into the various tracks and we had gone up into Track 16, I believe it was, to get another, to pull another cut of cars out. We were coming back down the lead and the fireman hollered --

Q Just before you get to that, Mr. Dick, if you will permit me, so that the Commission may have a picture of this lead. Which way does the north lead of G yard run?

A It runs in a northwest direction.

Q From southeast to northwest?

A That is correct.

Q And the tracks off that lead, which way do they run?

A Due west.

Q Are they parallel to each other converging on to the lead?

A That is correct.

Q You say you had pulled a cut of cars from Track 16 back on to the lead?

A Back, yes; back down the lead.

Q Which way was your engine facing?

A The engine was facing west.

Q Were the cars attached to the cab end?

A The cars were attached to the nose.

Q And you were going in which direction?

A I was backing east.

Q Backing east. Then you said something about

the fireman when I interrupted you?

A As we were backing out the fireman hollered at me. He said, "Plug her, 11 is running out. Track 11 is running out." So I applied the independent right away and the fireman just jumped off the side and he run out and climbed up on those cars and --

Q He ran out of the cab?

A And down across and climbed up on the cars and tied the hand brake on them and by that time I had gone foul of those cars. They were coming out by the time he got them tied down and it was a matter of about three or four inches clearance between the cars and the end of this engine.

Q You had already passed Track 11, had you?

A Yes.

Q What part of your engine or your cars was opposite Track 11?

A The engine, about half a length went over 11 switch.

Q And when you --

A Stopped. As soon as I saw it I put the engine in forward motion and released the brake and tried to get out of the way. I could never have made it if he hadn't tied down the brake.

Q Had you seen Track 11 run out yourself?

A After he hollered I looked over and I could see the cars were running out, coming out. Somebody must have shoved them from the

other end because the track is not on a down grade and they wouldn't run out by themselves.

Q Do you know how many cars were tied together, the cars that were running down?

A I witnessed earlier in the shift, a matter of say half an hour earlier, that one of the yard engines had pulled the entire track and shoved the entire track up, so the track was full. Whether they had taken them from the west end, I don't know, but I know they had shoved the entire track full.

Q Where were your switch crew? You had a ground crew with you?

A Yes. They were all west of me. They were all on the cars, two of them on the cars and one on one of the switches.

Q Two of them on the cars attached to the nose of your engine?

A Yes.

Q Where exactly on the cars?

A Hanging on the side ladder.

Q Where was the third man?

A He was standing off at the side of one of the switches waiting for us to pull over.

Q In your experience -- how long have you been working in the yards as an engineer?

A I have been in the yard this time for about a year.

Q But you have been there on previous occasions?

A Various times.

Q From your experience working in the yard was the position of your three yard crew normal or was it not?

A Absolutely normal, yes.

Q And from your view of the members of the yard crew, could they have seen Track 11 run out?

A Definitely not.

BY MR. SINCLAIR:

Q You were moving cab-first, Mr. Dick, is that right?

A At the time, yes; the cab was heading east.

Q How far was Track No. 11 when you noticed it clear of the lead switch?

A When I noticed it clear?

Q Yes?

A There was about a car length's room in the track.

Q There was about a car length between the fouling point of 11 and the lead?

A Yes.

Q Is that right?

A That is correct.

Q At that time the cars were moving?

A Yes.

Q And you were moving also?

A Yes, I was moving.

Q As you had come down the lead, on to the lead, had you glanced down to see that your route was clear?

A Absolutely.

Q How much clearance did you have at Track 11 when you glanced down?

A When I started coming back I could not see the cars in Track 11. The route was clear. There was cars in 12, 13 and 14 all the way down. I could not see 11 until I got right opposite it myself.

Q If there were cars in 12, 13 and 14 and you were backing cab-first nobody could see them moving in 11 until --

A No. When you come down, once you get past the cars in 12, you could on the side of the fireman. He was in position to see them.

Q As you passed between 12 and 11 you say the fireman noticed them moving?

A Yes.

Q And in that time he was able to jump off your engine, run over, get on the cars and set the brake?

A He had the hand brake on and he got them stopped.

Q That was after he hollered at you?

A He hollered at me.

Q After he hollered at you he got off your engine?

A That is correct.

Q And then you looked over and you saw them moving?

A That is correct.

Q How fast were the cars moving, would you judge?

- A I would say maybe 2 miles an hour. They were not moving fast. They were moving fast enough I couldn't get out of the way.
- Q But the fireman got off your engine, ran over and climbed on top of the cars and set the brake?
- A That is correct.
- Q Before they had gone a car length?
- A Before they went foul of the track.
- Q That is less than a car length?
- A That is correct.
- Q What is the name of your fireman?
- A Ralph Bradburn.
- Q Did you report this to the company?
- A I didn't report it to the company. I notified the yardmaster about it, told him about it.
- Q You told him about it. You think somebody shoved on to the track blind, is that right?
- A I don't say they shoved it blind. The track had just previously been shoved incomplete and these cars came back. I don't know what took place at the west end. I don't know whether cars were kicked in at the west end. I don't know what had taken place.
- Q Somebody had taken room in the track, you think, and maybe had not tied them down or kicked cars up against them?
- A I have no idea what took place in Track 11.
- Q You will agree that the lowest man on the railroad is the man who allows cars to run free like that into a track?

MR. LEWIS: That is a matter of opinion. I really do not know why my friend asks that sort of question.

THE CHAIRMAN: Perhaps it would depend on the frequency of the occurrence.

BY MR. SINCLAIR:

Q Among people who work in yards, Mr. Dick, the man who receives the greatest approbrium from his fellow workers is the man who is so unthinking as to allow cars to go foul of a lead?

A That is correct.

Q As a matter of fact, in the bunkhouses anybody who does that gets quite a rough ride, does he not?

A Yes, sir.

Q He is sometimes known as a yellow rat?

A I wouldn't say anything like that.

THE CHAIRMAN: Perhaps precise English would be adequate.

ROY KENNETH JONES, Sworn, Examined

BY MR. LEWIS:

Q Mr. Jones, you informed me that you are now working as a fireman in the Vancouver yards, is that right?

Q And that you joined the Canadian Pacific as a wiper on March 1, 1952?

A Yes.

Q And were promoted to fireman on September 6, 1953?

A Yes.

Q You have not been passed as an engineer yet?

A No.

Q Do you recall working on a yard job in G yard some time in the middle of April of this year?

A Yes.

Q Can you remember the exact date?

A No, I cannot; it was around April 15.

Q What shift were you on, day or night, or when?

A It would be the 6.30 yard.

Q The 6.30 yard trick, is that right?

A Yes.

Q Do you recall who your engineer was?

A Mr. Paul.

Q Do you remember who your yard foreman was?

A I believe it was Mr. Hudson.

Q Do you remember the number of the engine

you were working on?

A No.

Q As you told me, and as you have agreed, you remember working in the G yard; where in the G yard were you working at the time of the incident?

A On the lead.

Q On the lead?

A Yes.

Q Did you have any cars attached to the engine or not?

A Yes.

Q Which end of the unit were they attached to?

A The head end.

Q To the nose of the engine?

A Yes.

Q Is there more than one G yard lead?

A Yes, I guess there is. There is the north and south; this would be on the north.

Q You would be on the north lead?

A Yes.

Q Did you hear the evidence of Mr. Dick, the last witness? Were you here?

A Yes.

Q Would you be on the same lead he was working on?

A Yes.

Q You heard Mr. Dick's evidence; you were working on the same lead?

A Yes.

Q You were going in which direction at the time?

- A The time it happened we were backing up.
- Q Backing up, with cars attached to your nose?
- A Yes.
- Q You go ahead and tell the Commission about the incident.
- A We were working on the G yard lead and right across from me on the left-hand side on a track that comes into the lead was some sectionmen and they had two rails on a push-car.
- Q Was there more than one?
- A There was approximately four. We had moved ahead and that left their track clear to go out on to the lead.
- Q You were on the west lead, would it be?
- A Yes.
- Q I mean the west track?
- A The west track.
- Q On the lead west of the track on which this pushcar with the rails was?
- A Yes. We just moved ahead and that left their track clear so they could come out on to the lead with this pushcar with the two rails.
- Q Which way was the switch lined to your knowledge?
- A It was lined up in the normal position for the lead.
- Q Then you stopped when you had pushed ahead?
- A We stopped and the switchman or the yard crew figured, I guess, we were going to keep

right on going.

Q Do not try to guess what they figured. You stopped when you passed this track on which the pushcar with the sectionmen and rails were?

A That left their track clear.

Q Then what did you do? Was your engine stopped?

A He stopped and the engineer got a back-up; he looked around like that, but he couldn't see over where I could see.

Q Did he start the back-up movement?

A He did. The sectionmen had already fouled the lead and I yelled for him to stop.

Q Just a moment; how far away from the lead were they when you first saw them when you were going up the lead west?

A They were clear of it, I imagine about a couple of car lengths or so up.

Q On their track?

A Yes.

Q Then you stopped and you started the back-up movement?

A Yes.

Q And you looked out, did you?

A Yes.

Q Then you saw the sectionmen and the car again, did you?

A Yes.

Q Where were they then?

A They were foul of the lead.

Q Yes?

A And I yelled for him to stop, otherwise if we hadn't we would have run into them.

Q Did the engineer do anything about it when you yelled for him to stop?

A He stopped.

Q Do you know how far away from this push handcar and the rails you were when you stopped?

A It was a matter of feet; I cannot say for sure.

Q These rails, Mr. Jones, were they lying across this handcar?

A No, they were lengthwise; it would be the same way as the rails on the track, would be parallel with them.

Q They were lengthwise along this car?

A Yes.

Q How long would this handcar be, do you know?

A I don't know, around six feet, I guess.

Q And these rails, would they be longer or shorter than the handcar?

A I am not sure of the length of the rails, somewhere around 30 feet, I guess; 25 or 30 feet.

Q And then there were parts of the rails protruding on each end of this car, were there?

A Yes.

Q And when you saw the car was foul of the lead, this handcar, what exactly does that mean with regard to the rails?

A The rails would have been foul, definitely have to be foul because they were protruding

at both ends.

Q One end of them was foul of your lead, was it?

A Yes.

Q You say it was a matter of feet between you and the rails when you stopped, between the engine and the rails?

A Yes.

Q But you cannot say just how many feet?

A No, I cannot.

Q Did you see where the sectionmen who were working with this handcar were?

A They were right between the rails. The rails were on the outside of the pushcar and the sectionmen were on the inside, like, between them on the inside. Two of them were pushing it.

Q Pushing it?

A Yes.

Q They would be on the end closest to your engine or on the end farther away from your engine?

A Closest.

Q We have already been told that this north G yard lead runs from southeast to northwest, in a northwesterly direction, and that the tracks off it all go west; would you agree with that?

A Yes.

Q Parallel. These men who were on the hand pushcar, were they pushing the pushcar toward the lead?

A Yes.

Q On which you were?

A Yes.

Q And then you say the sectionmen were between the rails on this pushcar?

A Yes; the rails were on the outside.

Q Can you remember how many of these sectionmen were between the rails?

A Two.

Q I think you said earlier -- correct me if I am wrong -- that there were four altogether?

A I believe the foreman, he was going up to get the switch at the time.

Q Walking up the track, was he?

A Yes, he was going to get the switch.

Q Could you see where the fourth man of the section crew was?

A I imagine he might have been pushing.

Q Did you see him?

A No, I didn't pay any attention where he was.

Q You just saw two men behind the pushcar between the rails. Was there much room for them between the rails?

A Well, I imagine about four feet.

Q They were standing then?

A Yes.

Q Had you or had you not started when you saw these rails foul?

A Yes, we were moving backwards.

Q And had you started some seconds earlier or just started or what?

A We had to be moving for a little while in order to come foul to hit them.

Q But you told us you did not hit them?

A No.

Q You stopped short?

A No, we never hit them, we just stopped short.

BY MR. SINCLAIR:

Q Mr. Jones, at the time of this incident you were moving cab-first?

A No, the cab would be at the back.

Q The cab would be at the back?

A Yes. We were moving forward.

Q You were moving forward. I thought you had the cars on your nose?

A Yes.

Q You were pushing those cars and you had pushed them clear of this track and had reversed?

A Yes.

Q At the time of this incident you were moving cab-first?

A No, we were moving backwards -- cab-first, pardon me, you are right.

Q You were moving cab-first as you were coming down the lead, correct?

A Yes.

Q This section crew had pushed their pushcar foul of the lead?

A That is right.

Q Before they had got the switch?

A That is right.

Q Had the engineman before he started to reverse his movement to move backward cab-first, had he observed the situation on the lead? Had he turned around and looked?

A Well, I cannot say for sure. It is the usual habit of them to look back.

Q Before they move back?

A Yes.

Q He was looking in that direction and he was moving in that way?

A No, he was watching signals.

Q He took a look?

A Back.

Q And moved back about how many feet?

A Not far, about a car length.

Q He had moved about a car length?

A Something like that.

Q Had he turned and looked again after the first look?

A I don't know.

Q You were not watching him?

A I wasn't watching him, no.

Q Was the pushcar foul or just the rails on the pushcar?

A The pushcar was foul.

Q So that the rails would be quite a bit foul?

A Yes, that is right.

Q Definitely foul?

A Yes.

Q Had the section foreman who was going to get the switch, had he given any stop signal?

A I don't know. I never noticed him. He may have but I don't know.

Q But you are saying he pushed down foul of the lead before he had got the switch; if he had got the switch before moving foul your engineman would not have moved back against it because the route would not have been lined for him?

A That is right.

--- Recess.

EDMUND WESLEY COLLINS, Sworn, Examined

BY MR. LEWIS:

Q Mr. Collins, you informed me that you are a locomotive engineer on the Esquimalt and Nanaimo Railway out of Victoria?

A That is right.

Q And that you joined this railway, which is part of the Canadian Pacific, on December 17, 1918, as a wiper?

A September 17, 1918.

Q And that you were promoted in July 1920?

A That is right.

Q And that you were classed as an engineer on May 10, 1935?

A Correct.

Q And set up as an engineer last year?

A Correct.

Q And that you are now the Local Chairman of the Brotherhood of Locomotive Firemen and Enginemen?

A Correct.

Q The Brotherhood for which I am acting as counsel?

A That is right.

Q Mr. Collins, do you recall being an engineer on a through freight train from Stockett (?) to Victoria on June 1 of this year?

A I am not quite sure about the date; it was the early part of June.

increase in the number of men employed.

While most of our sidings are able to hold 85 cars or are in the process of being lengthened, they will still be inadequate to facilitate a train such as we would envisage when handling four-unit tonnage. This will present those in the running trade with problems when two trains of the same length are to be met or passed. This would entail a saw-by which requires signals to be exchanged and relayed at both sides of the train because of our frequent curvature.

In conclusion, Mr. Chairman, we engineers in Kamloops are fearful of what may be the result if our helpers are taken from us. We feel the adoption of the diesels has in no way reduced our responsibilities under the Uniform Code. For the most part, as far as safety is concerned, the diesel locomotive has provided us with motive power that will pull up to four times the amount of tonnage of steam but has also increased the engineer's responsibility by the same.

And finally we would like to say that we engineers are far too dependent upon our helpers to now be deprived of their very valuable assistance and the safety which they provide for the crew members and the travelling public.

MR. LEWIS: No questions.

BY MR. SINCLAIR:

Q You are what is known as a double-header?

A No, I am not.

Q You do not belong to the firemen's organization?

A No sir, I do not.

Q You referred to rock trouble between North Bend and Spences Bridge?

A I did.

Q Was that in connection with the highway construction that is going on in that location?

A No sir, it is not.

Q Have you had trouble from rocks from the highway construction that is going on there?

A Very little trouble on our division.

Q But there has been trouble?

A Very little; there has been I would say one or two occasions; that is all.

Q But you do have quite a bit of rock trouble on the Thompson?

A We do.

Q And slide trouble too?

A What kind of slides?

Q Mud or snow?

A Not too much. Say a mud slide in the spring. The snow slides do not bother us too much. We do get the odd small snow slide in the spring, but it doesn't bother us.

Q High water?

A Yes; not in the main rivers, but in the smaller creeks.

- Q You are Valley Differential throughout?
- A Straight Valley, yes.
- Q You are not usually running four units out of Kamloops, are you?
- A It is not usual, but we are experiencing some four units, more than we have in the past.
- Q In what period?
- A I would say three to four months.
- Q What proportion would you say would you have on your through trains, what proportion would have four-unit power, say in the last two months?
- A On an average there would be one a day.
- Q You think there would be that many?
- A It might not average one a day, but almost.
- Q That would be 30 a month?
- A It would probably be two every three days or maybe two every four days. I would say one every other day.
- Q About 15 a month?
- A Twelve to fifteen, I would say.
- Q How many freight trains per day have you, approximately?
- A I have not worked since the 14th of June but up until that time we were running six to eight one way a day.
- Q Each way?
- A One way.
- Q How many each way?
- A They have to go back.

Q You mean you do not run power through dead?

A The idea is that it goes down over the division to Vancouver and the power has to go some place.

Q You do not run power through deadhead?

A Not very often.

Q There is an equalizing down movement?

A That equalizes it up, in order to get across that way.

Q So you figure about sixteen trains a day?

A From twelve to sixteen.

Q These four-unit consists you have been talking about, which way were they working?

A They were westbound. We never had occasion to put four units eastbound; four were not necessary to handle the tonnage.

Q When you have the four units westbound you are up to the rating for four units, are you?

A To my knowledge, yes.

Q Have you ever checked the ratings on those consists?

A I do not have access to them.

Q That is the conductor's work?

A That is the conductor's work.

Q Then a question about this fire that you spoke about on March 17, 1957. Where was that?

A I don't know if the company has a record of that or not. I understand it caused the unit to be withdrawn from service. It was at Coquitlam.

- Q The company would have a record of that.
- A It happened at Spences Bridge.
- Q Where was the fire?
- A It was in the dynamic brake grids on the right side of 8510.
- Q What kind of unit?
- A It was a 8500 road switcher type.
- Q General Motors?
- A Yes.
- Q The other fire, where was it?
- A It was in the electrical panel, 4033, car body type.
- Q In the body?
- A Immediately behind the cab.
- Q Did you turn on the fire extinguishers?
- A I don't know.
- Q You got this information from somebody?
- A I have the information in my brief. I have the fireman's statement on that matter.
- Q Your fireman's statement?
- A It is the company's statement.
- Q This information was brought to you by somebody in your lodge; it was brought to your attention by somebody in your lodge?
- A In one instance I went and asked for the information.

THE CHAIRMAN: Mr. Sinclair, what about these points in Kamloops to which the witness has referred specifically? Do you propose to deal

with them? The previous witness mentioned other points.

MR. SINCLAIR: He gave details of some yard operations, Mr. Chairman. I do not think there is anything he spoke of that is different from other locations which the Commission has seen.

THE CHAIRMAN: I am not really asking counsel to deal with it now, but these things have been raised specifically and we are in this part of the country.

MR. SINCLAIR: Kamloops is east of here and we were going to cover the points mentioned down in the Kootenays by the other witnesses. If I felt it was necessary and on instructions I would deal with it in rebuttal testimony.

THE CHAIRMAN: As long as you have it in mind.

--- The Commission adjourned at 12.20 p.m. until 2.00 p.m.

Friday,

July 12, 1957.

AFTERNOON SESSION

--- The Commission resumed at 2.00 p.m.

PERCY WILLIAM MANNING, Sworn

BY MR. LEWIS:

Q Mr. Manning, you work now as fireman in the Vancouver yards?

A That is correct.

Q When did you join the Canadian Pacific?

A As a wiper in December, 1950.

Q December, 1950, as a wiper. When did you become a fireman?

A On June 4, 1951.

Q On June 4, 1951. Have you passed the mechanicals and the A rule book?

A No, I have not.

Q So you are not a passed engineer yet.
Mr. Manning, do you recall working the Pacific Terminal Elevators here on May 27 of this year?

A Yes, I do.

Q What yard shift were you on?

A That would be 5.30.

Q A.M.?

A A.M.

Q Do you recall who your engineer was?

A Lionel Harbottle.

Q An incident occurred at that time, Mr. Manning, which I would like you to relate to the Commission. You were working where at the time of the incident you have in mind occurred?

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A We were engaged in the work of pulling empties out of the Pacific Terminal Elevators at that time and we had just doubled Track 3 over to Track 2 and were proceeding out to pull the empties out of that track and were, oh, I guess about two and a half car lengths before we started our move forward.

Q Just speak up, please.

A Oh, we were just about at the crossing and I noticed --

Q What crossing is that?

A Salisbury Drive crossing. We were just about to proceed over the crossing when this Canadian Pacific Express truck pulled up to the crossing on the fireman's side of the engine.

Q That would be on your side.

A And he pulled right down and I guess about this time we were just pretty well over the crossing when all of a sudden for no reason at all he darted right across the track in front of our engine. Of course I yelled to Lionel to plug her, which he did immediately. He put the independent brake on full and managed to stop.

A What happened to the truck?

A To tell you the truth I don't know how he missed getting hit because with his speed and momentum going across he pretty near failed to make the turn on the other side of the crossing and he had to go right up on the shoulder of the road and back around to the left to get back on the road again.

Q Was it a light engine or did you have cars attached?

A We had approximately seven or eight cars -- that is an estimate -- which were doubled over.

Q Had or had not your engine and cars slowed down after you called "Plug her" to the engineer?

A He come to a stop but we were about two-thirds across the crossing then.

Q This Canadian Pacific Express truck, did it go sort of straight or did it not? Did it swerve?

A It shot right across in front of us and according to the engineer, he told me when he got to the other side he had all he could do to make the turn. Generally at that time there are cars parked just about that spot on the other side and if there had been cars there he would have been right into them through his speed.

Q Did either you or the engineer speak to the Canadian Pacific Express truck driver?

A Yes, we did. He returned just after we had doubled Track 2 and 3 over to Track 1. We noticed him coming and the engineer got down and went up to the cab of the truck there and asked the driver what he thought he was trying to do. He said, "I thought you were going to stop for me, wait for me." The engineer gave him what for, you know. He said, "I will never do that again." With that he just carried on across the crossing.

He was pretty well shaken up and the passenger that was with him, which was a man I believe that has something to do with the Canadian Pacific --

Q Who was with him, did you say?

A This fellow that was with him.

Q What fellow was with him and when?

A At this time.

Q At which time?

A When he first went across and he was still with him when he came back. I think he is engaged in the Express office, but I am not sure. He does some type of work. I have seen him in that area. They were both pretty well shaken up and he was pretty sincere that he would never do it again.

Q There was a second incident I want you to tell the Commission about. Do you recall working at the Terminal Dock on June 18 last on a yard shift?

A That is right.

Q What were you doing there? Would you describe what you had done just before this incident occurred, the incident I want you to tell us about.

A In this particular case we had taken empties out of the depressed track there, which I think is Track No. 2. We had just finished spotting loads in the same track and we were proceeding out with the light engine.

Q Just before you go on would you describe where that track is where you spotted the loads?

A This track No. 2 is the depressed track there. On the left side it has a left-hand curve all the way out of this particular track and the building is, oh I guess three feet from this side of the engine all the way around the curvature of the track.

Q This track goes by the side of the building, does it?

A The side of the building curves and the track curves with it to the left.

Q Toward the rear of the building?

A No, coming out with the light engine after we had spotted these cars.

Q You would be coming out from the rear of the building then toward the side, would you?

A We would be coming out from the rear after we had spotted the cars down there; we were coming out from that track, heading for

our yard, and the curvature is on the left-hand side.

Q When going in or coming out?

A Coming out, which is on the fireman's side. The building is very close there and it is even pretty well obstructed on the fireman's side, let alone on the engineer's side, he not being able to see at all.

Just as we got to the end of this building where the track comes out into the open this farm market truck come right directly in front of our engine and made a "U" turn right on to our tracks and got about half way over to our track, up to the centre line. At this time I hollered to the engineer what was transpiring up ahead there and he managed to put the brakes on and with a light engine luckily --

Q You had got rid of the cars?

A He never knew we were coming.

Q You had got rid of the cars?

A Yes, we had spotted these cars. We were leaving with a light engine. We were going to go back to get some more cars to put into the track No. 1.

Q You say the engineer managed to stop the engine?

A Yes. It is a little bit uphill there and with the uphill and light engine he managed to stop all right.

Q Did you contact the truck at all?

A No. He just carried on. I don't think he even saw us. He made this turn, it being kind of a blind corner to him as well as to us, and the blindness of the corner may have blotted out the ringing of the bell.

Q The bell was ringing?

A It was ringing when we came out. There are several doors alongside there where the tracks come out and also men or employees going back and forth at regular intervals during that time. I imagine the bell was blotted out due to the fact that this wall was so close to the engine.

He made this "U" turn. I don't think he even noticed there was an engine on it. If it hadn't been for me he would certainly have known.

Q Where was the yard crew, do you know?

A I presume they were in position on the right-hand side. I think there was two of them riding the right rear footboard.

Q Did you see any of them at all?

A There was two of them anyway on the rear footboard; the third I couldn't be sure of, but two there was. The third man, I wouldn't know where he was, if he wasn't there.

Q There was a third incident you experienced recently which I would like you to tell the Commission about, if you would, Mr. Manning. Do you recall working on a yard job where

you had to do some work over the Canadian National tracks on June 19 last?

A That is correct.

Q Would you tell the Commission about that. What were you doing at the time?

A We were engaged in switching in the L yard and through the operation we had the L yard lead on to the tracks plugged with cars and consequently we had to use the Canadian National lead to get around the L yard to the other end with this one box car attached to the rear end of our engine.

Q You had the engine and one box car?

A Attached to the rear.

Q Attached to the rear of the engine?

A We were proceeding eastward on the Canadian National tracks there between Clarke Drive (?) and the Burns crossing. We had passed that crossing just before the Burns crossing. I am not quite sure of the name of the crossing. --

Q The crossing before you get to the Burns crossing?

A There is a very short distance between those two crossings, only three or four car lengths. We had just crossed this crossing and the bell was still ringing and I noticed this workman standing a few feet from the Canadian National track which we were shoving on to watching a passenger train coming.

He was a workman. I am not sure whether he was a company workman or otherwise

from one of the places down on the water-front. He was observing this passenger train coming.

Q You are sure he was a workman?

A He was a workman; he had a hammer in his hand and overalls on; couldn't be anything else. He apparently hadn't noticed our bell ringing and our movement coming towards him and we were just, oh I guess about 20 or 25 feet from where he was standing and our speed was not too fast, it was moderate yard speed, and he stepped backwards in a backwardly motion, like that, putting himself foul of our track just approximately to the end of the ties.

Q On which side of your track was he?

A On my side of the engine, my side of the track.

Q Was anything done by anyone?

A As soon as I noticed this I had only time enough just to think of something to do to get him out of the way, and I just whistled with my fingers at him to attract his attention and I waved my hand in the cab with the same motion like that for the engineer to plug her, and he put the brakes on and at the same time this fellow jumped clear. I guess we were about 10 or 8 feet possibly, I can't say exactly, away from him when he leaped from the track.

Q You say you whistled with your fingers?

Q Of this year?

A This year, yes.

Q And you were going south from Stockett (?) to Victoria, you told me?

A Correct.

Q Did you or did you not do any work at Duncan?

A We arrived at Duncan and had a number of cars to set out. They were separated so we had a number of moves to make to set one out at a time.

Q The cars were separated along the train, you mean?

A They were all coupled together but the ones to set out had several cars mixed in with the ones to go out at Duncan.

Q Had you to make a number of passes?

A Yes.

Q Just so that the Commission may see the picture, were you working on a lead or on some other track?

A We were setting the cars out on No. 3 track.

Q Were you working or were you not near a crossing?

A We had backed over the crossing. I finally had a signal to stop and the front pilot of the engine was approximately six feet clear of the crossing when the head-end brakeman working on my side give me a signal to proceed. I immediately said to the fireman, "Go ahead." He said, "O.k." I rang the bell, blew the

horn and he hollered, "Hold her!" and a very elderly gentleman with two canes stepped over, stepped in front of the engine.

Q Did you see this elderly gentleman?

A He finally came out on my side and walked down so close to the locomotive I didn't move until he had got past the engine and got further away from us. I noticed he was wearing a hearing aid. After completing our switching at Duncan we backed up again and were waiting for orders and I got off to speak to a friend of mine, a logger. I asked him what was wrong with this elderly gentleman that he didn't hear so he said, "He is very deaf. He didn't have his hearing aid cut in."

Q You said he was very close to the engine; how close was he when you saw him on your side?

A He was only about six feet in front of me.

Q Do you remember the name of this logger you spoke to?

A MacTavish.

MR. LEWIS: That is all.

MR. SINCLAIR: No questions.

TONY HERBERT MEIER, Sworn, Examined

BY MR. LEWIS:

- Q Mr. Meier, you work as a fireman in the Vancouver yards?
- A I do, yes; Coquitlam next week, but Vancouver last week.
- Q You told me you joined the Canadian Pacific as a wiper on July 29, 1952, and were promoted to fireman in September, 1953?
- A That is right.
- Q Do you recall working the 16.00 yard shift on March 13 of this year?
- A I do.
- Q Do you remember where you were working?
- A At P and Q yards.
- Q Do you remember the number of the engine?
- A 6536.
- Q And the name of the engineer?
- A Bill Hayes.
- Q What was your job at the time the incident I want you to tell the Commission about occurred?
- A We were switching out cars to load the barge.
- Q At this time did you have any cars attached to the engine?
- A One car.
- Q Attached to which end?
- A To the cab end.
- Q And what if anything did you do with that car?

A We came down the lead with the car and kicked it into Q-9.

Q And then did the engine stop?

A The engine came to a complete stop. We were stopped, oh, one or two seconds. The engine came to a stop and then she proceeded to go ahead, just like that, and before this, when she had made a complete stop I was watching the movement of the engine, the way she was working, the backward movement, and as soon as she stopped I automatically glanced ahead and this woman was, by this time she was --

Q Who was?

A This elderly woman about 60 or 65 years.

Q Where was she?

A She was, oh, by that time she was down on the track and stepped over the rail.

Q Can you say what direction she had come from?

A She had came down the footwalk or steps with handrails down the embankment alongside Q yard that people use for to cross over to the Yacht Club and the boat builders and all that in there.

Q Is there a footwalk, is it public?

A Well, there is steps and handrails. The trail itself leads alongside the switch lead. That is where the main path leads, but they come down the steps and cross right across the tracks and down on to the road. It is a private Canadian Pacific road, and then they go across to the Yacht Club.

Q When you saw her she was already over?

A She was down stepping over.

Q In the track?

A Yes, sir.

Q And the engine, was it already nosing forward?

A I don't know; I felt the engine move ahead and it was not a slow movement, just like he gave her the highball to go ahead. I figured I wouldn't say anything if the engine didn't move, the woman would get across as she was about 10 or 12 or 15 feet ahead of the engine. I figured she would get across fine and I wouldn't say a word, but as soon as I felt the engine move I hollered, "Plug her!"

Q Did the engineer do anything?

A He plugged her right there.

Q Did you come to a stop?

A We came to a stop. Well, it stopped just like that and the woman was still on my side and she turned and run down the track. She took, oh, about five or six steps. She was running and she was going with the engine.

Q In the same direction as the engine was pointed?

A Yes, the same direction. We come within three or four feet of her before the engine came to a stop.

Q Had the whistle been sounded?

A No, there was no bell or no whistle had

been sounded. I am only taking it from what I know. Engineer Bill Hayes had looked ahead on his side and saw the track was clear. We had been switching for two hours and there hadn't been anything wrong with that track, it was absolutely clear.

Q These steps, they were on your side of the engine?

A Yes, on my side of the engine.

Q Have you worked this job before?

A Yes, I have.

Q Do you know whether it is or is not customary for the engineer to sound the whistle or ring the bell at this point?

A No, there is no whistle or bell sounded at that point. It is right in Q yard and they switch it without any whistle or bell. There is no crossing.

Q You stopped, you say, when you were three or four feet away from this woman who was running along the track in the same direction?

A When we got stopped we were approximately three or four feet from her.

Q And what did she do then?

A She stepped off my side into the clear and then proceeded down two or three steps and crossed over again after she had seen the engine was going to stop. She crossed over.

BY MR. SINCLAIR:

Q Mr. Meier, these steps lead down from Pender Street?

A Pender Street?

Q Are those the steps you are talking about?

A No, I don't know what street it is. It is down from Hastings. It is only a back alley. You can see the signs from the yard, you can see the signs "Private Property. Keep Out. No Parking." It is a private alley. It is a little further down than the Yellow Cab.

Q Those steps are to enable the public to move across U or Q yards?

A I don't know what they were built for. They have handrails and wooden steps.

Q There is a path that goes along further down?

A It is right on the tracks.

Q Are you suggesting that there is a roadway or walkway across the yard at that point?

A They walk across the yard at that point.

Q You are not suggesting that there is a walkway provided across the yard?

A No, there is no planking, but they walk across at that point.

Q It is not set up to enable people to walk across the yard?

A No.

Q These people are trespassers when they go across the yard?

A I imagine they are, yes. There is lots

of them do it.

HOLLIS EDWARD HUTTON, Sworn, Examined

BY MR. LEWIS:

Q Mr. Hutton, you informed me that you joined the Canadian Pacific as a wiper on November 1, 1946?

A That is correct.

Q Was that in Vancouver?

A Yes, sir -- Coquitlam.

Q Is that the name of a freight yard?

A Coquitlam, that is the terminal.

Q The freight terminal, is it?

A That is right.

Q You were promoted to fireman in October 1947, is that right?

A Correct.

Q And you were qualified as an engineer in December, 1953?

A Correct.

Q But you now work as a fireman out of Coquitlam?

A Yes, sir.

Q Do you recall being a fireman on a train from New Westminster to Coquitlam in the early days of this month this year?

A July 6?

Q July 6, was it?

A Correct.

Q 1957?

A Yes, sir.

Q Do you remember who your engineer was?

A Harry Danielson.

Q Do you remember who your head-end brakeman was?

A Henry Larsen.

Q When did you arrive at Coquitlam on that occasion?

A 13.35, at the station.

Q Pardon?

A 13.35, at the Coquitlam station.

Q What happened after that?

A We arrived caboose hop and the conductor went --

Q You arrived just with a caboose attached to the engine?

A Yes, sir. The conductor went in to check the register, the first class, second class trains arriving and leaving, to see what they were going to do with us. He came up and advised the engineer and I what they were going to do, that we were to proceed

over the crossover and around to the C yard lead.

After the crossover had been lined up we proceeded with our movement and as we were entering the yard from the westbound main -- the whistle had been sounded and the bell had been rung and as we were approaching the crossing --

Q What crossing is that?

A Shaughnessy Street crossing. It runs right in close to the track. As we were approaching it this car was coming up at a normal rate of speed.

Q Coming from which side?

A From my side, from the left-hand side of the locomotive. As he approached the crossing he appeared to be coming to a stop. He was reducing speed and you could see he was slowing down. As a result of his braking action the back end of the car raised a little bit.

Then, as we were right on top of the crossing apparently he took his foot off the brake and came on to the crossing and contacted the pilot, contacted the front footboard on my side, contacted the engine with the hub cap of the car on the passenger's side. When I seen he was not going to stop at the crossing I immediately advised the engineer to plug her, which he did.

The brakeman bailed off the engine.

He was standing on the footwell on my side so that he could be in position to get the switch ahead of us to go around in C yard. It was lined for B yard.

Q When you saw this car would not stop you told the engineer to plug her, which he did?

A Yes, sir.

Q You did not immediately come to a stop, I understand?

A No, we pushed the car four to five feet into the other lane of traffic, and then he came to a stop there.

Q Was there or was there not any damage done to the car?

A Just the hub cap. There was no paint scratched or anything.

Q Was there or was there not any damage done to the diesel?

A No, there was no damage at all.

Q You said the brakeman bailed out. Where had he been standing?

A In the footwell on my side at the front of the engine.

Q What do you mean by footwell?

A The front steps.

Q On the left-hand side, on your side?

A Correct.

Q Could you or could you not see whether the brakeman gave any signals?

A Well, this car, I caught it from the corner

of my eye coming out and out of instinct
I was watching him very closely.

Q Watching who?

A The car and instinct, seeing this car coming
up naturally my attention was focused on him
and I acted on my impulse when I seen he
wasn't going to be able to stop in time.

Q I asked you did you or did you not see
whether the front-end brakeman on those steps
on your side of the engine gave any signals
at that time?

A He was giving signals as he bailed off, yes.

Q What kind of signal?

A Wash-out.

Q If he was on the front steps on your side
of the engine do you or do you not know whether
the engineer could see his signal?

A The engineer could not see his signal.

Q I do not recall whether you told the Com-
mission why you thought he was on the front
steps on your side of the engine?

A To line the B yard switch. The switch is on
my side heading in just over the crossing.

Q How far over the crossing?

A Approximately ten feet.

Q You used a phrase earlier, Mr. Hutton; you
said, "Just as we got on top of the crossing
the car started over." What did you mean
when you said "on top of the crossing"?

A We were right at the edge of the planks.

Q Just at the edge of the crossing?

A Yes.

Q Is that what you mean, the edge of the planking; is that the crossing?

A Yes, sir.

Q Was this reported to the company?

A Yes, sir.

Q Has there been an investigation?

A There is one on now, yes.

Q Has your statement been taken?

A No, sir.

Q Do you know whether the engineer's statement has been taken?

A No, sir.

Q It has not been, or you do not know?

A I do not know.

Q Do you know whether the brakeman's statement, Brakeman Larsen's statement, has been taken?

A No, I do not know.

BY MR. SINCLAIR:

Q This crossing at Coquitlam, there is a stop sign for all vehicular traffic?

A Yes, sir.

Q Did this car stop at the stop sign?

A No, sir.

Q On that kind of a movement would not the head brakeman ordinarily bring the movement to a stop west of the crossing, go over and get the switch, and then take you through?

A Not on that type of movement, no.

Q You were a light engine?

A A caboose hop.

Q That could be done, he could stop the movement, go over and get the switch?

A He can stop the movement any time he wants to.

Q That is the normal way of moving across a crossing so you do not block it. Would you have blocked it or was he going to run for the switch?

A He was going to run for the switch, I presume.

Q Run across the highway?

A Yes, sir.

Q For the switch, and let you go right through the gate; that is what he was going to do?

A Yes, sir.

Q How far were you from the crossing when the last blast of your whistle sounded? You gave a 14 (1) whistle?

A Yes.

Q How far were you from the crossing when the last blast of your whistle sounded?

A We were just about coming in over the crossover.

Q How many feet ahead was the crossing?

A Approximately three to four cars.

Q When the last blast finished?

A Yes, sir.

Q You were going how fast?

A Approximately two to four miles an hour,

just very slow.

Q Very slowly. You were in full view of the motorist?

A Yes, sir.

ROBERT DOUGLAS MacKINLEY, Sworn, Examined

BY MR. LEWIS:

Q Mr. MacKinley, where are you working now?

A Freight pool out of Coquitlam.

Q You informed me that you joined the Canadian Pacific as a labourer and wiper in 1944?

A Correct.

Q And that you were promoted to fireman in 1945?

A Correct; that is right.

Q And that you passed your A book in 1951?
And wrote your last series of mechanicals in 1953 when you were qualified as an engineer?

A 1952.

Q 1952?

A That is right.

Q You were qualified as an engineer. That

was not in Vancouver all those years?

A No.

Q Where did you start?

A Revelstoke.

Q When did you transfer to Coquitlam or Vancouver?

A Last September.

HON. MR. McLAURIN: He is a fireman now?

MR. LEWIS: Yes.

BY MR. LEWIS:

Q Would you tell the Commission about an experience you had as a fireman on June 6 of this year working on Second 81; do you remember that?

A Yes.

Q It was going from where to where?

A From North Bend to Coquitlam.

Q Was that a freight train?

A A freight train.

Q Second 81, would that be a symbol or extra train?

A No, it is a fourth class train.

Q How many units did you have?

A Two units.

Q Do you remember their numbers?

A 8507 and 8611.

Q 8507 being the leading unit?

A The leading unit.

Q Where did you board that engine; where did you start your work?

A Boarded on the lead.

Q Where?

A In North Bend.

Q Did you meet the outgoing engine crew when
 you came on the job?

A Yes.

Q Did you have any conversation with them?

A Yes.

Q About the engines?

A Yes.

Q What were you informed?

A We were informed that the trailing unit
 was not loading.

Q You will have to speak more loudly, please.
 You were informed that the trailing unit was
 not loading?

A Was not loading.

Q Were there any other people around the
 engine except the crew that was coming off
 and you who were going on?

A That is all that were there at the time.

Q During the stop at North Bend, before you
 started, were there any other employees
 around the locomotive?

A Yes.

Q Who were they?

A I presume they were the shop staff.

Q Did you have any conversation with them?

A Yes.

Q What was that conversation?

A The conversation was -- all they said was,
"Would we go?"

Q All who said?

A The shop staff.

Q Was there one or more than one present?

A Two.

Q Did both of them speak to you or only one?

A Just the one.

Q Do you know what he was?

A No, I do not.

Q He just asked you, "Would you go?"

A Yes, that is right.

Q I would like the Commission to understand
why I am asking you this, Mr. MacKinley.
What right had he to speak to you or to ask
you whether you would go?

A I have no idea.

Q Did you --

A I didn't answer him at all.

Q You did not answer him?

A No.

Q What happened?

A I put my bags down and proceeded to the
train from the yard lead.

Q You proceeded on foot or did you take the
engine?

A With the units to the train.

Q Both units?

A Both units.

Q You backed the units on to the train?

- A Backed the units on to the train.
- Q And started out on your journey, did you?
- A That is right.
- Q Who was your engineer?
- A Syd Kidwell.
- Q What happened to this trailing unit when you started on your journey? Did it or did it not load?
- A Well, I couldn't tell until I got down on a hill.
- Q What hill?
- A China Bar, approximately Mileage 2 to Mileage 4.
- Q Between Mileage 2 and Mileage 4?
- A That is correct.
- Q That would be two to four miles west of North Bend?
- A North Bend, that is right.
- Q What did you do, if anything, when you came on this hill?
- A Well, I proceeded back to the trailing unit and checked the ammeter and saw it was not loading.
- Q Was there or was there not a walkway between the units?
- A Yes, there is a walkway between the units.
- Q In order to see whether the ammeter was loading or not or to check the ammeter, where did you go?
- A In the cab of the unit 8611.

Q What make of unit is it, do you know, a General Motors or Alco?

A General Motors.

Q Then you say you saw that the unit was not loading; did you do anything else?

A Yes.

Q What did you do?

A I proceeded back to the engine part of the unit and checked the sight glasses to see if she was getting sufficient oil.

Q Where are those sight glasses located?

A They are located on the left-hand side of the locomotive in the rear compartment.

Q And you had to open the doors in order to look, the side doors of the engine?

A That is right.

Q To look at those sight glasses?

A That is right.

Q What speed were you going up this hill?

A I would say approximately maybe 10 miles an hour.

Q Approximately ten miles an hour?

A That is right.

Q And when you looked at the sight glasses did you obtain any information as to what was the matter?

A Yes.

Q What was the information?

A Both sight glasses were empty.

Q What did that mean?

A That means that the engine was not getting

Q Did you or did you not do anything about it?

A Not right away.

Q What did you do?

A I went to the head end and told the engineer what I had found.

Q Did the engineer say anything to you?

A No, he did not.

Q What did you do then?

A So I went back and shut the engine down.

Q You do that where?

A I do that from the cab.

Q Of the trailing unit?

A Of the trailing unit.

Q After you had shut down the unit what did you do?

A I shut off the fuel pump.

Q Where did you do that?

A Well, that is done from a button in the cab.

Q Also in the cab?

A Yes.

Q Then what did you do?

A Then I went back and took the felt filters out of the filter chamber and restored the metal containers in it and put the top back on and then started the unit up.

Q Let us take that step by step, if you will. There is a filter container, is there?

A That is right.

Q Where is that located?

A It is in the back of the engine just below

the sight glasses.

Q You took that metal container out?

A Yes. That is right out of the filter chamber.

Q Is there anything in the metal container?

A Yes, these felt filters.

Q Inside, are they?

A Yes.

Q So you took the felt filter out?

A Yes.

Q How did you know it was the fault of the felt filter on that unit rather than the metal part that was wrong?

A Well, I have had it happen in the past.

Q What did you do with those filters?

A I took them and put them in the cab.

Q Then I presume you put the cylinder back?

A Back in.

Q What is it, a strainer?

A Yes, I guess it is a chamber strainer for the fuel.

Q You put this metal cylinder back in?

A Yes, that is right.

Q And closed the top?

A That is correct.

Q Then you went back to the cab, did you?

A That is right.

Q What did you do in the cab?

A I started the engine up.

Q I suppose you put the fuel pump back on?

A The fuel pump on first.

Q And then put the engine on low?

A Yes.

Q And then --

A Put the engine on start.

Q Did you check the ammeter then to see whether it was loading?

A No, I went back and checked the sight glasses first.

Q You went back and checked; you went along the footboard on the left side?

A That is right.

Q Or the right side?

A Go around from the right side to the left side.

Q You checked the sight glasses again?

A That is right.

Q What did you find?

A I found the first one was filled with fuel oil.

Q Is that the condition of the sight glasses when fuel oil is going to the engine?

A That is right.

Q The front one is filled?

A Yes, the front one is filled.

Q Then what did you do, did you go back to the cab?

A Then I went back and put the engine on run and the ammeter loaded.

Q You checked it after you put the engine on run?

A That is correct.

Q Did you go back to the front unit, the leading unit?

A Yes, and told the engineer the engine was loading.

Q Did you have any more trouble down to Coquitlam?

A No.

Q Do you know what the tonnage of your train was?

A No, I couldn't really say.

Q Do you or do you not know whether one unit could have pulled the train to Coquitlam?

A No, I couldn't tell you that.

Q Now, Mr. MacKinley, I show you Exhibit 184, and to refresh the memory of the Commission I might read it. This was put in evidence before the Commission, if I remember correctly, by Vice-President Emerson. He told the Commission that this was a bulletin intended to be distributed right across the system. Part of the bulletin reads as follows:

"The opening of engine compartment doors on road switcher units in motion is prohibited.

The passing between road switcher units in motion which are not equipped with walkways is prohibited."

You have told me that these units were equipped with walkways?

A Yes.

Q (Reads:)

"The opening of engine
compartment doors on road switcher
units in motion is prohibited."

That is what this bulletin says. Will you
please take a careful look at it and tell
me whether you have ever seen a bulletin
in those terms or like that bulletin?

A No, I have not seen a bulletin to that effect.

Q Are you or are you not in the habit of
studying the bulletins in the bulletin book
at Coquitlam?

A Yes.

Q You never saw this one?

A No.

Q Are you or are you not required to look
through the bulletin book at North Bend?

A Yes.

Q Have you done so?

A Yes.

Q Have you done so regularly?

A Yes.

Q Have you done so since May 1 of this year?

A Yes.

Q Do you or do you not recall whether you
saw this bulletin in the North Bend bulletin
book?

A No, I do not recall it.

Q You do not recall it?

A No.

BY MR. SINCLAIR:

Q The trouble with 8611 that you had, witness; you said it was starving for fuel?

A That is right.

Q Had the engine been erratic before you went back, had you noticed any erratic action by the engine?

A What do you mean? Whether it was riding up and down?

Q Hunting?

A That is right, it was hunting.

Q Before?

A No, not before.

Q How far were you up the grade when you were using this engine when you noticed it start to hunt?

A It hunted when we started up the hill.

Q Did the engineman notice it was hunting?

A I couldn't tell you whether he did or not.

Q He did not tell you to go back?

A No, he did not.

Q You went back on your own?

A That is right.

Q You are not suggesting, Mr. MacKinley, that this bulletin that you have seen was not issued, or are you? Is that your suggestion?

A Not to my knowledge.

Q 8611 is an engine with a history; do you know much about that history? Have you

heard anything about it?

A No.

Q Have you heard --

MR. LEWIS: The witness said that he had not heard anything about it.

MR. SINCLAIR: I said it had a history and I am going to ask him if he has heard this part of the history.

MR. LEWIS: He said he has not heard any of the history. Maybe it is a very interesting item of history, but this witness has said he had not heard it.

THE CHAIRMAN: Unless this particular part.

BY MR. SINCLAIR:

Q I will ask this question. When you took the socks out of the filter did you examine them?

A Yes, sir.

Q Did you find some engine sand on them?

A No.

Q What was on them?

A A kind of black scum.

Q Did you look at it?

A Yes.

Q Was there any grit in them?

A I could not tell you that.

Q Have you heard that they found over a pint sealer of engine sand that had been taken out of the tank of this engine?

A No.

Q And that the engine is now out of service and the tank has been taken off to find out how much more there is in the fuel tank?

A No.

Q You had not heard about that?

A No, I had not heard about that.

Q I said a pint, but it was a quart of engine sand, I am sorry. Assume with me that there was engine sand in the tank, from your experience can you say how it would get there?

A No.

Q It would have to be put there?

A It would have to be put there.

MR. LEWIS: Mr. MacKinley was going to be my last witness but in view of a question asked in cross-examination I have a very short ninth witness.

VALMORE ADRIAN BERRY, Sworn, Examined

BY MR. LEWIS:

Q Mr. Berry, you are an employee of the Canadian Pacific?

A Right.

Q You are Local Chairman in Vancouver of the Brotherhood of Locomotive Firemen and Enginemen?

A That is right.

Q Did you at my request go to Coquitlam and check the bulletin books last night?

A I beg your pardon, this morning.

Q My request was made last night?

A Yes.

Q And you went this morning?

A That is right.

Q About what time were you there?

A Oh, it would be --

Q It does not matter to have it exactly.

A Around 7.45 or a quarter to eight.

Q Had I shown you Exhibit 184 last night?

A Yes, you had.

Q And did I ask you last night whether you had seen it before?

A Yes, you did.

Q Are you a classed engineer now?

A Yes, I am.

Q When did you join the Canadian Pacific?

A 1947, March 22.

Q And you have worked out of Coquitlam, have you?

A Just the last three years, two or three years.

Q Had you seen this bulletin in the Coquitlam bulletin book before last night?

A No, I had not.

Q And this morning, when you examined the Coquitlam bulletin book, how far back did you go?

A I went back to about, I guess it was April last, and then I quit.

Q April of this year?

A Yes.

Q Did you or did you not find a bulletin similar to Exhibit 184 in the bulletin book?

A I did not find one, no.

Q Did you or did you not ask other engineers as to whether they had seen a bulletin of this kind?

A I asked two other engineers working at the yard steady there and they said they hadn't seen it.

BY MR. SINCLAIR:

Q Do you sign bulletins, Mr. Berry?

A No, I do not.

Q Do you initial them?

A Not all of them, no.

Q Do you ever check the bulletin books in

Vancouver here?

A Yes, I have.

Q Have you seen that bulletin in Vancouver?

A Yes, I have.

Q Have you ever heard of bulletins being taken out of bulletin books?

A No, I don't think I have, no. I don't know; I never heard of anybody taking any out. I never heard of any being taken out. I have heard of them cancelled.

Q I mean ripped out?

A No, never have.

Q We have had some during this inquiry, but this one wasn't taken out.

MR. LEWIS: If I might give evidence, I can say to my friend that it did not come from Vancouver.

MR. SINCLAIR: I will accept that statement, or from Coquitlam?

MR. LEWIS: Either Coquitlam or Vancouver or any part of British Columbia.

BY MR. LEWIS:

Q I have just one question arising out of my friend's cross-examination. You saw this bulletin in the Vancouver terminal, did you?

A In the diesel room, yes.

Q In the diesel room?

A Yes.

Q What enginemen and firemen report to the

diesel room in Vancouver?

A Just the yard diesel men.

Q Pardon?

A Just the men who work the yard diesels.

Q This bulletin, as you see, deals with road switchers. Would the matter of going back and forth between one switcher and another be of interest to yard engineers and firemen?

A I cannot see why it would be. Dealing with road switchers, periodically there is a road switcher in the yard, but it is unusual; it isn't very often.

Q Would there be more than one unit used in any yard work?

A No, just one unit at a time.

Q Coquitlam, what is that office?

A That is the freight terminal. There are twelve yard engines assigned to work in Coquitlam.

Q It is the freight terminal?

A Yes.

BY MR. SINCLAIR:

Q May I ask one question. You have universal seniority in the British Columbia District?

A Yes.

Q The enginemen who work here, as we have heard from some witnesses, may move from

one place to another?

A Yes.

Q So that a man could be working here in Vancouver this week and then move down and take a freight run out of Coquitlam?

A It would depend on his seniority.

MR. LEWIS: Those are all the witnesses I have for the Vancouver hearings, Mr. Chairman.

THE CHAIRMAN: In view of what was in my mind following the evidence of one of the witnesses and in view of the discussion had with counsel, apparently I was of the opinion that his evidence related to signal passing, but apparently it relates just to safety. Perhaps I should say that so that when we read the record we will understand it.

HON. MR. McLAURIN: The significance of that evidence was in the field of safety rather than in the field of signal passing.

THE CHAIRMAN: That is all the evidence we will be taking for some time.

MR. LEWIS: Do we set a date now or just leave it?

THE CHAIRMAN: We have discussed informally October 15.

MR. SINCLAIR: I was going to suggest to the Commission that perhaps some suggestions might be made after some other things have become a little more solid than they are at the present time.

THE CHAIRMAN: It is all subject to change.

MR. LEWIS: Until you get back safely to Ottawa.

--- The Commission adjourned at 4.25 p.m. sine die.

**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

60

PROCEEDINGS

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I N D E X

October 21, 1957

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Monday,
October 21, 1957.

PRESENT:

Hon. R. L. Kellock,	Chairman
Hon. C. C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A. R. Winship,	Asst. Secretary

APPEARANCES:

C. J. A. Hughes, Q.C.,	Representing the Commission
I. D. Sinclair, Allan Findlay,	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Monday,
October 21, 1957.

MORNING SESSION

---The Commission resumed at 10.00 a.m.

MR. SINCLAIR: The Commission will recall that when we were at Vancouver certain memoranda were prepared by me and it was understood between my friend Mr. Lewis and myself that memoranda would be prepared concerning one point in Vancouver and a number of points on what we might call the south main line. I had not prepared those by the time the Commission closed its hearings at Vancouver and I said I would file them when we started again in Ottawa. I would like to do that now.

I have spoken to my friend Mr. Lewis and I understand that his remarks concerning these points constitute an admission in regard to them the same as the admission he made in regard to the ones on what I might call the north main line. I will file these.

EXHIBIT 298 -- Vancouver Terminal,
West End Depot.

EXHIBIT 299 -- Nelson Subdivision.

THE CHAIRMAN: Apparently somebody has prepared a list of what you propose to put in?

MR. SINCLAIR: I did that.

THE CHAIRMAN: Well then, let us each have a copy of that list.

MR. SINCLAIR: Unfortunately I have only one for my friend and one I thought I would give to the Secretary.

EXHIBIT 300 -- Procter.
EXHIBIT 301 -- Creston.
EXHIBIT 302 -- Yahk.
EXHIBIT 303 -- Cranbrook, West End.
EXHIBIT 304 -- Cranbrook, East End.
EXHIBIT 305 -- Kimberley.
EXHIBIT 306 -- Wardner.
EXHIBIT 307 -- Fernie.
EXHIBIT 308 -- Michel, West End.
EXHIBIT 309 -- Michel, East End.
EXHIBIT 310 -- Crowsnest.
EXHIBIT 311 -- Blairmore, Greenhill
Mines.
EXHIBIT 312 -- Fort Macleod, West End.
EXHIBIT 313 -- Fort Macleod, East End.
EXHIBIT 314 -- Coleman.

MR. SINCLAIR: Mr. Chairman, you will recall that when the members of the Commission and the parties were in Europe my friend Mr. Lewis mentioned to you that he wanted to develop certain supplementary information in regard to crew assignments and training to supplement Exhibit 180. It was agreed between Mr. Lewis and myself that we would get together, get the information and prepare a memorandum and agree on it. We have done that for each of the countries, Great Britain, France, the Netherlands and Switzerland. I should like to file this memorandum as the next exhibit.

EXHIBIT 180A -- Memorandum, crew
assignments and
training.

LESLIE RAYMOND SMITH, sworn, examined

BY MR. SINCLAIR:

Q Mr. Smith, you entered the service of the Canadian Pacific Railway Company as a telegraph operator on the Revelstoke Division, British Columbia, in 1937?

A Yes, sir.

Q You have given me the various posts you have held and with the Commission's permission I am going to read them into the record and ask you whether they are correct as I read them from my list.

From 1937 to 1942 you worked as an operator and relief agent at all stations on the Revelstoke Division.

In October 1942 you were promoted to become operator in the office of the Superintendent of Transportation at Winnipeg and in that connection you also carried out the duties of travelling car service agent, Western Lines.

You held those positions until November, 1944. In November, 1944, and until December, 1945, you were travelling car service agent and relieving assistant superintendent at various locations on the Western Lines.

In January, 1946, you were promoted to become Assistant Superintendent on the Lethbridge Division at Lethbridge, Alberta.

You held that position until September,

1947, at which time you were moved to become Assistant Superintendent of the Kootenay Division at Nelson, B.C. You remained in that position until May, 1949.

In May, 1949, you were moved to become Assistant Superintendent of the Kootenay Division at Cranbrook, that is the other end of the Kootenay Division. At one time you were at the one end and the other time you were at the other; is that correct?

A Yes, sir, that is correct.

Q You were at Cranbrook until 1950, January, when you were promoted to become Superintendent of the Kettle Valley Division of the company with headquarters at Penticton, B.C.

You were Superintendent at Penticton until 1951, October, when you were moved to Revelstoke as Superintendent of the Revelstoke Division on the main line of the company.

Then you were moved in April, 1954, to become Superintendent at Calgary of the Calgary Division, and you stayed there until 1955, January, when you were moved to Medicine Hat.

You were Superintendent at Medicine Hat until November, 1955, and from November, 1955, to the present time you have been General Superintendent in charge of the Saskatchewan District of the Canadian Pacific Railway with

headquarters at Moose Jaw?

A That is right.

Q Also, under the Canadian Pacific plan of training, you were given leave of absence and you went to Western University to take a course in business administration?

A Yes, that is right.

Q And at my request you made a number of switching tests at various points in Western Canada?

A Yes.

MR. SINCLAIR: Mr. Chairman, these are the points that were referred to by the Union's witnesses or which the Union asked permission to observe. Mr. Smith has made tests at these points. With Mr. Smith I prepared a memorandum of these and sent copies to my friend so that we might expedite placing them in the record. I also sent copies to the Secretary of the Commission but Her Majesty's mails in Ottawa apparently have been very much overtaxed the last few days.

THE CHAIRMAN: Her Majesty has made a visit here.

MR. SINCLAIR: That explains it. They are not here, but I am sure copies will be along later on. I will deal with these individually and I think fairly shortly with Mr. Smith.

BY MR. SINCLAIR:

Q The first one, Mr. Smith, is a memorandum

of a test that you made at the Winnipeg Depot tracks and coach yard, which I should like to have filed as Exhibit 315. Have you that before you, Mr. Smith?

A Yes, sir, I have.

EXHIBIT 315 -- Switching test,
Winnipeg Depot
tracks and coach
yard.

MR. SINCLAIR: At the top there is reference to where the evidence of the Union may be found, and also that a view of switching was made by the Commission on June 28. I will take the responsibility for that part of the exhibit, but the balance is wholly the responsibility and work of Mr. Smith.

BY MR. SINCLAIR:

Q Looking at Exhibit 315, Mr. Smith, I think the tests of the various moves speak for themselves. Now would you turn to page 2 of Exhibit 315 and read the summary?

A (Reads):

"Move 1 -- Signals given to fireman, 3 minutes and 8 seconds.

Move 2 -- Signals given to engine-man by man on right front side step of engine, 3 minutes and 2 seconds.

Move 3 -- Signals given to engine-man by man on left rear step of engine, 3 minutes and 28 seconds.

"Move 4 -- Signals given by engine-man by man on left rear step of engine, 3 minutes and 18 seconds.

There was no difficulty or hazard involved in giving signals direct to engineman."

THE CHAIRMAN: I take it that these are the same moves but with a different system of giving signals?

MR. SINCLAIR: Those are the same moves.

THE CHAIRMAN: But with a different system of giving signals?

MR. SINCLAIR: That is right. In each case the move is the same move but done in a different way and time.

MR. LEWIS: A different way with regard to the signal giving?

MR. SINCLAIR: That is right.

BY MR. SINCLAIR:

Q As your qualifications show, you have been in Winnipeg in the winter-time, of course, and have been through there many times. What effect would winter conditions have on this location and these moves?

A The snowfall, Mr. Sinclair, in Winnipeg is never very heavy at any one time and the working area where it is necessary for yardmen to work in these locations is always kept clean and the walking at that point is very level. There are no obstructions.

MR. SINCLAIR: The Commission will note that Mr. Smith has attached to each of these exhibits a sketch. Some of these sketches duplicate sketches that were filed by my friend. These sketches have not been done, shall I say, by a free-hand artist but by an engineer, and in saying that I am not trying to deprecate Mr. Shefflin's work. However, I think these maps will give a little more accurate description of the situation.

MR. LEWIS: Those remarks are quite unnecessary.

THE CHAIRMAN: They sound like an admission.

MR. LEWIS: If time permitted I might have insisted upon my friend bringing the engineer and qualifying him.

MR. SINCLAIR: I would be very glad to do it as he is a very charming fellow and a very excellent engineer. However, I am glad to know that that is not necessary.

BY MR. SINCLAIR:

Q Is there anything further you wish to say with regard to Exhibit 315?

A No, I think that is all.

THE CHAIRMAN: It might be interesting to know what Mr. Smith has to say about whether if the move was not done in the way described, say in Move 1, how normally you would do it, and the same would apply to Moves 2, 3 and 4.

BY MR. SINCLAIR:

Q. Very well. Mr. Smith, leaving aside Move one: Of the other three methods, which do you think would be the normal way of doing it, or the easiest way of doing it?

A. I would say Move two, Mr. Sinclair. No, I beg your pardon, I am on the wrong one.

Q. You are looking at Exhibit 315?

A. Exhibit 315 -- yes, it would be Move two.

Q. I suppose, Mr. Smith, it all depends on the number of cars in the cut, and on a number of other things. For instance, I notice number three is the back-up hose method; if you took a longer cut, would you or would you not use the back-up hose rather than the hand signals throughout?

A. The signals can be given regardless of the length of the cut they would be handling. In all cases we would have the back-up hose attached in case it was required. What would make a difference is if a crew were on an adjoining track -
/that has some effect on it. In other words, a move made into track 5, would depend on whether there are cars in track 4, 3 and 2. Under these conditions Move two would be the simplest.

MR. SINCLAIR: Mr. Chairman, I would like to file as Exhibit 316, switching test made by Mr. Smith, at Gorman's Warehouse, Calgary - industrial switching.

EXHIBIT NO. 316: Switching test -
L. R. Smith;
Gorman's Warehouse,
Calgary - industrial
switching.

There is no evidence on this. The area was viewed by the Commission at the request of the union on July 2. What took place is set out. There are six moves described.

BY MR. SINCLAIR:

Q. Mr. Smith, would you please read the summary, if you feel the balance speaks for itself?

A. "Summary: Move 1 - signals given to fireman - one min. and 2 secs.

Move 2 - signals given to engineman by engine follower on rear step of locomotive - 1 min. and 3 secs.

Move 3 - signals given to engineman by engine follower on right front step of locomotive and fieldman on left front step - 57 secs.

Move 4 - signals given to engineman by engine follower on top of second car from locomotive - 58 secs.

Move 5 - signals given to engineman by engine follower on ground on west side of spare track - 55 secs.

Move 6 - signals given to engineman by engine follower behind locomotive - 1 min. and 3 secs.

There was no difficulty or hazard involved in giving signals direct to the engineman."

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Q. Of those five methods, leaving aside Move 1 - that is Move 2 through 6 - which one of those moves do you feel, without any particular circumstances being involved, would be the simplest move?

A. Move 5.

MR. SINCLAIR: Mr. Chairman, I would like to file as Exhibit 317, switching test by L. R. Smith, at Vancouver, industrial switching, Cambie Street.

MR. LEWIS: Excuse me, on Exhibit 316, where is this spur? I am sorry, but I would like to understand this Exhibit. Where on the sketch is the spur that is referred to in Move 5?

THE WITNESS: Do you see "Gorman's Ltd." there?

MR. LEWIS: Yes. Is that one north of the words "Gorman's Ltd."?

THE WITNESS: Yes, right beside the building.

THE CHAIRMAN: It is rather peculiar that the switch shows that the north wall of the warehouse touches what part of the spur ...?

MR. SINCLAIR: Perhaps that is the reason my friend drew attention to it. In view of what has been said about the engineer, perhaps I should have brought him to tell us how it happened.

BY MR. LEWIS:

Q. What confuses me, Mr. Smith, is "north" is where

I would say "west" is, is that right?

A. "North" is where "north" is shown.

Q. North is normally where west would be.

A. No, this runs north and south. You may recall the MacLeod subdivision is adjacent to this, and runs north and south.

BY THE CHAIRMAN:

Q. There is a directional arrow on the sketch - the left hand is north.

A. That is correct, sir, that is north.

Q. It seems to me that we were able to walk between the track and warehouse at all points?

A. That is right sir.

MR. SINCLAIR: In each of these sketches the way the engine is headed is also shown by an arrow.

EXHIBIT NO. 317: Switching test -
L. R. Smith -
Vancouver, industrial
switching, Cambie
Street.

MR. SINCLAIR: The reference here is that the Commission viewed this location on July 11, 1957; there was no evidence, and there is a memorandum of Counsel, which is Exhibit 295. Four moves are set out, and the bases of the test is set out.

BY MR. SINCLAIR:

Q. Mr. Smith, would you read the summary there?

- A. "Summary: Move 1 - signals given to fireman - 1 min. and 48 secs.
Move 2 - signals relayed to engineman by man on side ladder of car next to locomotive - 1 min. and 54 secs.
Move 3 - signals relayed to engineman by man on top of car next to locomotive - 1 min. and 44 secs.
Move 4 - signals relayed to engineman by man on ground in front of locomotive - 1 min. and 46 secs.

There was no difficulty or hazard involved in giving signals direct to the engineman."

- Q. Of the moves 2, 3 and 4, under usual conditions, which would be the most convenient way of making a move, in your opinion?

A. Move 3.

- Q. Those are the three yard test moves, Mr. Smith, I now have a number of road test moves, switching en route. First I would like to file as Exhibit 318, switching test, L. R. Smith, Reaburn, road switching. The Union evidence is set out in Exhibit 318, the test is set out, and there are a number of moves.

EXHIBIT NO. 318: Switching test,
L. R. Smith, Reaburn -
road switching.

BY MR. SINCLAIR:

- Q. What about this Exhibit 318, Mr. Smith?

Is there anything in particular you wish to call to the attention of the Commission?

A. Not at the moment.

MR. LEWIS: Mr. Chairman, it is only technical, and I may be mistaken, but I don't think I called Mr. Stacey. Was he not one of the gentlemen who presented a brief? That is my memory.

MR. SINCLAIR: I don't know, but I will check it. I thought you called him, but even if you did not the evidence is still on the record.

MR. LEWIS: Yes, but technically, I don't think he should be referred to as a Union witness.

MR. SINCLAIR: It says here, Mr. Lewis, "You told me last night you are a conductor ...?"

MR. LEWIS: If I called him, that is all right.

MR. SINCLAIR: Of course that does not prove --

MR. LEWIS: Prove what?

THE CHAIRMAN: We have him identified now.

BY MR. SINCLAIR:

Q. Exhibit 318 refers to Reaburn, and to Conductor Stacey's evidence. I asked you if there was anything in particular you wished to draw to the attention of the Commission.

A. Mr. Sinclair, I would like to draw the attention of the Commission to the note under Move 1.

Q. Maybe you would read it.

A. "In order to have the head trainman available to be used as a signal passer it was necessary to obtain train order protection. There is a despatchers' telephone located in the station at Reaburn, and to obtain the necessary train order protection it took 4 mins. and 12 secs. Therefore, this time would be added to the actual switching time in Move 1."

Q. Then your summary?

A. "Summary: Move 1 - two men handling - 27 mins. and 33 secs., plus 4 mins. and 12 secs. to obtain train order protection. Move 2, condr. handling alone - 28 mins. and 23 secs. There was no difficulty or hazard involved in giving signals direct to the engineman."

Q. Those two moves, Mr. Smith - which one is your preference, bringing in the extra man after giving the train order protection?

A. I would not send the head end trainman out. I would first go and telephone and get train order protection.

Q. You^{would} have not sent him out at Reaburn?

A. Not the head end man, no.

Q. The reason you say that is because there is a double track there, and you were going to make a move across the double track. If there is no yard there you would have to send a man out ahead before you went across

the east bound track, if you were handling a west bound train, is that correct?

A. That is correct.

Q. You said before you would send him out you would have gone to the phone and got train order protection?

A. That is right.

Q. So you would have done Move 1?

A. Yes.

Q. Have you been in Reaburn in the winter time?

A. Yes.

Q. What have you to say about the affect of winter conditions at Reaburn?

A. I wouldn't say winter conditions would cause any hazard to walking; the snow fall at Reaburn is not heavy at any heavier and the walking, where it is necessary to walk, is very level.

Q. I forgot to ask you about the affect of winter conditions with relation to Exhibit 316, at Calgary, Gorman's Warehouse. Have you been in Calgary in the winter time?

A. Yes, I have.

Q. What is the situation at Gorman's, do you know?

A. Yes, I do.

Q. What is your comment about the affect of winter conditions on the situation at Gorman's?

A. I would just like to state that the walking

conditions at Gorman's are much improved to what they were when we were there in July. Since that time the bulldozers have levelled the entire area beside the track leading to Gorman's and around the spur, and at the crossing at the warehouse.

Q. Were they building in there when the Commission visited the location?

A. You may recall immediately west of the track, just before you get to the crossing, there was quite a large ditch at that time and there was some construction going on there. That is now completed.

Q. And the industry has levelled the ground, is that what you say?

A. That is right.

Q. This is an industrial spur, and the industry has completed their work and levelled the ground?

A. That is right. So, the walking in this area is now very good; and the snow fall at Calgary is never heavy at any one time. I don't consider that the snow would cause any trouble.

Q. What about Vancouver, Cambie Street? Have you been at Vancouver in the winter time and been around the industrial area at Cambie Street?

A. Yes, I have.

MR. SINCLAIR: I think the Commission may take judicial notice of the fact that it is not often there is a snow fall or anything of that nature in Vancouver - if there is, it is only a few flakes.

BY MR. SINCLAIR:

Q. Then would **you** agree with that, Mr. Smith?

A. Yes; very seldom do they get any snow that amounts to anything.

Q. What about freezing rain?

A. Occasionally, but not very often.

MR. LEWIS: I will admit there is only fog, Mr. Chairman.

BY MR. SINCLAIR:

Q. To go back to Exhibit 318, Reaburn: During my cross-examination of Conductor Stacey, after he said there were difficulties in making a move, I suggested to him that a ^{could} move of say forty-odd cars/be made in three cuts of say about 15 cars. Mr. Stacey said, as the Commission may recall, if he did that by himself it would take a very long time - I think he got it up to about two hours. That is to be found at page 7978 of the transcript, Volume 57. What is your comment on that, Mr. Smith, if you have one?

A. Three cuts of 15 cars?

Q. Yes.

A. Well, I would estimate that to do that

work would take 45 to 50 minutes, making three cuts.

Q. You are making it alone?

A. Yes, that is one man making it alone, yes.

Q. He went on at page 7974 and said that he could not do the move without violating the Rules. I think he said the Rule he had in mind was Rule 103. He would of course mean the first paragraph of Rule 103, which is Exhibit 27. Do you know the first paragraph of Rule 103?

A. Yes sir.

Q. And you made the move here with one man?

A. Yes.

THE CHAIRMAN: What does the Rule say, to refresh our memory?

MR. SINCLAIR: The first paragraph reads:

"When cars are pushed by an engine (except when switching and making up trains in yards where there are no public crossings at grade, or where there are public crossings at grade adequately protected by gates or otherwise) a member of the crew must be on the leading car and in a position from which signals necessary to the movement can be properly given."

BY MR. SINCLAIR:

Q. And Mr. Stacey said, on the back up move into the passing track and into the elevator, he would have to be on the point car, and being on the point car he could not himself, with the cut of some 40-odd cars, see the engine. You will recall when we made a somewhat similar move on our western trip - I think it was at Caron - the man did not ride point. But taking Reaburn, Mr. Smith, this move with one man, did the man ride the point all the time?

A. No sir.

Q. Was that in your view a violation of Rule 103?

A. No, it was not a violation.

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(Page 8411 follows)

Q Why?

A Raeburn is a yard for one thing.

Q And therefore are you saying the parenthetical clause in the first paragraph, rule 103, applies?

A That is right sir.

BY THE CHAIRMAN:

Q On the second page of exhibit 318, move 2, you would have to add the four minutes and twelve seconds there also?

A No. The conductor did that himself.

Q What do you mean?

A He made the movement of the cars from the westward main track and the eastward main track into the back track.

Q Would he not need train protection?

A He had his flagmen out both west and east at that time.

Q So there is protection at both ends by the same crew?

A Yes sir.

Q And when you say in move two the conductor handled it alone, he was alone in that sense?

A Yes. He made all the switching movement alone.

Q In move one two men are there, the conductor and one of the train crew plus train protection?

A In this case what happened is we had an extra man out as a signal passer.

Q He might be a member of the train in normal circumstances?

A Yes and to do that you get a train order which allows the headend trainman to be there.

BY MR. SINCLAIR:

Q In other words you simulate it?

A Yes.

Q There is another point at page 7986 of Mr. Steacie's evidence. He was pretty emphatic about how long it would take a trainman to walk out the distance of 1500 yards. He said it would take 45 minutes. What have you to say about that? At Reaburn he walked out the flagging distance. There was a question which came up about it -- 45 minutes.

A Yes. I recall that. I also recall making a check on that.

Q Will you look up your notes, or do you have the figure in your mind?

MR. LEWIS: Well -- all right go ahead.

BY MR. SINCLAIR:

Q Go ahead.

A Eighteen minutes and 17 seconds.

Q Your memory is pretty good, Mr. Smith.

BY THE CHAIRMAN:

Q Then, how do you say the move should be done?

A Well, if I was doing the move, sir, I would

immediately go to the telephone and obtain the necessary train order protection so that I could keep my head trainman to assist with the movement. The minute the train stops at Reeburn it would be necessary for the rear trainman to go and flag before you would have time to get the train on.

Q Once you get the train order protection --

A Probably by the time he got there he would have the switching done.

BY MR. SINCLAIR:

Q Exhibit 319 has a memorandum of Mr. Smith's switching tests at Didsbury. There was no evidence about Didsbury but it was chosen as a typical point in regard to elevator switching. The Commission were there on July 1st. Looking at exhibit 319 is there anything on here which you would specifically like to direct attention to?

A On the first page under test, I would like to read this:

"Irrespective of fireman,
it is necessary for rear end
crew to assist in switching."

Q Is there anything else before you go on to the summary?

A I might draw attention to the fact that in making this movement it was not necessary at any time for the engineman to stick

EXHIBIT 319 - Switching test, Didsbury

his head out the window.

Q Yes. Anything else?

A When switching at Didsbury or at a similar point the first duty of the head trainman on arrival at the station, if the agent is on duty, is to ascertain from him what cars are to be picked up and what switching is to be performed. If there is no agent on duty, the agent leaves the way bills. The instructions are in the way bills and the head trainman goes over the way bills, finds out what cars he has to pick up, and checks the elevator track to make sure there are no obstructions such as loading devices and spouts in cars, and prepares the cars for removing by lifting the hand brakes and bleeds the cars which he is going to set off, which takes ten or twelve minutes, and by this time the rear crew members are up there.

Q Following along on that in elevator traffic and switching under normal conditions in the prairies, about how many cars do you handle on the average?

A I would say as an average, sir, about ten. That is five empties and probably about five in there as an average, making a total of ten cars. The cars that are on the track which you have to switch out and the cars which you have to put in

total ten.

Q Are there ever times when you make moves with one or two cars into an elevator track?

A Yes. Of course in that case it quite probably would be the headend trainman who would have done this before they got up there. There is no reason why he could not do it himself.

Q And that is based on your experience in the prairies?

A That is right.

Q Around elevator tracks is ' there or is there not any place that you know of where the head trainman working alone with a cut of one or two cars could not position himself to give signals to the engineer irrespective of the side which the elevators are on going in?

A I cannot think of any location, sir, where he could not do it with two or three cars.

Q I have taken you away from your summary?

A Summary, move one. Signals given to fireman, eleven minutes and four seconds. Move two -- signals given to a head trainman, ten minutes and fifty-six seconds. Move three -- signals given to engineman by head trainman, eleven minutes and five seconds. Move four --

signals given to engineman by head trainman positioned in front of the locomotive, ten minutes and forty-eight seconds. There was no difficulty or hazard involved in giving signals direct to the engineman.

Q Of the moves, two through move four, that is two, three and four, in your opinion which under normal situations would be the way you would prefer to do it?

A I would use move three.

Q Again, I think, I should ask you what affect would you think winter conditions would have on elevator switching in the prairies?

A Well, the snow conditions are normally light in the Didsbury area.

Q I am talking about the prairies generally. I know the snow conditions are light and that sometimes ice stays a long time in the Didsbury area, but I am talking about the prairies generally.

A Normally there would not be any more than normal winter footing conditions. In other words, around elevators the portion where the crew are required to walk is very level and there is no hazard I can think of.

Q What about drifting in the prairies?

A There are some drifts, it is true, but

I do not think you can call a drift
a walking hazard.

Q What if it is all drifted over and there
is no room up against elevators?

A Then you do not spot the car.

Q You mean that under those circumstances
you cannot give service?

A That is right.

Q Until somebody cleans it up?

A We have had that condition and it is then
cleaned out.

BY THE CHAIRMAN:

Q Suppose the tops of the cars become
covered with ice, what would you do?

A You can ride on the side ladders.

Q What move would you follow then?

A Well, on move two or on move three actually
they could have ridden on the side ladder,
but the crew preferred to ride on top.
They could have ridden on the side ladder
in making those movements. Regardless
of the ice on top of the cars some men
prefer to go up there sooner than hanging
on to the ladders.

BY MR. SINCLAIR:

Q What would you yourself do?

A I would go on top of the car.

Q If it was glare ice and you felt that
you could not go on the top of the
car, which of the moves would you do?

A I would do move four or two, either one.

Q Now we have exhibit 320, Mr. Chairman, Mr. Smith's switching test at Field, B.C. There was union evidence from engineman Hobbs.

BY THE CHAIRMAN:

Q I have a recollection of one of the witnesses in connection with Didsbury having something to say about going on the tops of the cars. Now here, in exhibit 319, move four does not involve a man going on top of a car. If the men were left to themselves would they do it in that way or go on the top of the car?

A I would say they would go on top of the car because he has to get up there and apply the hand brake in any case. Normally rather than going up, setting the hand brake and getting down and going up on another car and setting the hand brake, he would walk over to the next car after applying the hand brake on the one car.

MR. SINCLAIR: I think the witness whom you had in mind is witness White who gave evidence at Calgary.

BY THE CHAIRMAN:

Q All these moves in exhibit 319 only
EXHIBIT 320 - Switching test, Field

involve one member of the train in addition to the engineer?

A No sir. They are all participating in the movement. All the three train crew members participated in the movements.

Q What about move two -- signals given to head trainman. That, of course, involves one or more of the other members of the train crew?

A Yes. In that move the head trainman had maintained his position in the locomotive cab and the signals were given to him and he in turn was giving them to the engineman.

Q What about move four?

A In move four the rear trainman was the man who was waist high and above the top of the car and the position was approximately 20 feet west of the elevator track in the vicinity of the point of the movement and the head trainman was standing north of the locomotive and the signal was being given by the conductor to the head trainman who relayed it to the engineman who in this case was looking out the front window of the locomotive cab.

BY MR. SINCLAIR:

Q Relaying back?

A Yes.

BY THE CHAIRMAN:

Q The three train crew other than the engine crew were on the ground?

A Except the rear trainman who, going back on the track, took up position on the point car and stood on the side ladder waist high above the top of the car.

Q He would be the one who had set the hand brake?

A Yes.

BY MR. SINCLAIR:

Q The evidence of White is in volume 58 at page 813⁴ on this point and he was the conductor. He was at Didsbury when we were there and subsequently gave evidence. Now we are at exhibit 320, Mr. Smith's switching tests at Field B.C. As I was saying there was evidence from engineman Hobbs on this and there is the memorandum from my friend and myself, and the Commission were there and experienced the moves at this place on July 9. Is there anything particular here, Mr. Smith? Does it speak for itself?

A I made tests there and I would like again to draw the attention of the Commission to the fact that irrespective of fireman when signals are used it is necessary

for the rear crew members to assist.

Q Then the summary?

A Move one -- signals given through fireman, seven minutes and twelve seconds.
Move two -- signals given to head trainman, time ten minutes and fifteen seconds.

Q And the head trainman was where?

A In move two the head trainman had maintained his regular position in the engine cab and was therefore on the inside of the curve. That is move two. Move three -- signals given engineman, time seven minutes and sixteen seconds. Move four -- signals given engineman, seven minutes and two seconds. Move five -- instructions transmitted by radio, five minutes and fifty-five seconds. There was no difficulty or hazard involved in giving signals direct to engineman.

Q When you are taking move four, these signals gave the engineman the controls of the easterly unit and that would mean he had a multiple unit consist and he had changed ends or changed units?

A Yes.

Q In other words he was using his consist as a dual control locomotive?

A Yes.

Q Whatever time it takes to change ends, is that included in the seven minutes and two seconds?

A No, sir, it is not.

Q How long does that take?

A An average of about three minutes and twenty seconds.

Q Did you test that, as to how long it takes to change with various sizes of consist, two, three and four?

A Many times.

Q That average you have given is for a number of different times?

A That is right.

Q Why did not you add the time in? May I ask you that, or perhaps I did not understand you?

A During the time that the engineman is doing this, or changing from one unit to another, I found that the train crew were always occupied in doing other work. In other words, on one occasion I can recall that the trainmen went and got their lanterns which they had to get. Another time they were discussing the switching list. Another time they were releasing hand brakes.

There are many duties which a trainman can do.

Q Can I put this to you -- I understand that

before you make a move it is necessary for the crew involved to decide what they are going to do and what is required to be done, and during that time the engineer can be occupied in getting ready?

A That is right.

Q Now we are in a part of the country where you spent a few years of your life and in which, or in connection with which there have been some pretty broad statements made before this Commission about the weather. I think we would like to have your views or what experience you have had as to weather. What about Field and the effect of winter conditions on moves that you have set out here, or the effect of winter conditions on switching at Field?

A Well, the area where the crew are required to walk at Field, it is level. It is beside the lead and therefore is a location where if there is a snowfall the section men first go to clean the switches and clean along the lead. In addition to that, as you may recall, they walk on the old station platform. This platform is kept clear. In addition to that the people, or the majority of the people who live in Field towards the east, they use that platform continually to walk back and forth to their homes.

Field is not in what we term the snow belt, if I may use that expression. By snow belt I mean that you can go a very few miles in British Columbia and snow conditions are entirely different. In other words, Beavermouth to Revelstoke is in the snow belt, but you go a few miles west and there is practically no snow. Then when you get down to Sicamous and the area around Shuswap Lake, the snowfall is very light. The weather is much more moderate. While Field is a much colder location, it is not what we term in the snow belt.

EXHIBIT 321 -- Switching test,
Golden.

BY MR. SINCLAIR:

Q Here again we have an indication of where the Union evidence was given by Conductor W. Brunner, that there has been a memorandum of counsel, and that there was a view of switching by the Commission on July 9, 1957. Perhaps you will recall that. The test is then set out. After that test, Mr. Smith, I notice that at Field you have stated that irrespective of the view when hand signals are used it is necessary for the rear end crew to assist in switching. Could I just clear that up. That term is used throughout these memoranda. When you refer to the rear

end crew, do you mean on every occasion that the two men are involved?

A Not always both of the rear end crew, but at least one of the rear end crew in every case.

Q Then with regard to Golden, is there anything in particular until we come to the summary, Mr. Smith?

A I would point out that this is another location that irrespective of firemen, when hand signals are given it is necessary for the rear crew to assist in the switching. The summary reads:

"Move 1 -- Signals given to firemen, 20 minutes and 27 seconds.

Move 2 -- Signals given to engineman, 16 minutes and 12 seconds.

Move 3 -- Instructions transmitted by radio, 11 minutes and 2 seconds.

There was no difficulty or hazard involved in giving signals direct to engineman."

Q What about winter conditions at Golden? Would winter conditions make any change as to your views with regard to the difficulty or hazard involved in connection with giving signals direct to the engineman?

A No. Golden is not in the snow belt. They never have more than a few inches of a fall at one time and the territory or area where

they walk is level and there are no instructions.

BY THE CHAIRMAN:

Q Would you indicate which of the moves 1, 2 and 3 would be preferable?

A In this case with the number of cars handled I would use the radio.

BY MR. LEWIS:

Q That is Move 3?

A Move 3, yes.

BY THE CHAIRMAN:

Q Would you restrict the use of radio to Golden?

A On the moves so far, yes, sir.

Q What I have in mind is that if it is going to be more expeditious by the use of radio, why not make it universal?

A May I put it this way? Perhaps I am inclined to be lazy. If I was a switchman and I could make the move at Golden much more quickly with the use of radio and save me walking, for that reason I would use radio, but on certain locations where the radio does not assist by saving any appreciable amount of time, I would not bother with it. It depends on the location and the number of cars you are handling.

Q In the cases where you would not bother with it I suppose you would say it is a needless expense?

A No, I would never say that about radio after the tests we have made. Radio is very valuable to train movements other than switching.

Q Do you propose to equip trains with it?

A Well, it is our intention --

MR. SINCLAIR: It will be recalled that the Commission asked me to deal with radio and its cost. I can do that now, and perhaps I should do it right at this stage. I have some notes on it.

THE CHAIRMAN: The witness has said that of the three moves the normal thing to do would be to use radio. I was just wondering why Golden and not other places would be considered a convenient place to do it.

BY MR. SINCLAIR:

Q Mr. Smith, you have made tests with radio at a number of other places besides Golden, have you?

A Yes, many places.

Q Have there been reports and analyses prepared on the use of radio and submitted to management?

A Yes, there have.

Q Has management considered those reports and arrived at a policy decision as to the application of radio?

A Yes, sir, they have.

Q What is that policy?

A Well, it is the intention when the firemen are removed from diesel locomotives --

MR. LEWIS: If.

MR. SINCLAIR: That is a better way to put it.

BY MR. SINCLAIR:

Q If the firemen --

A If the firemen are removed it is the intention of management to equip all freight trains operating west of Calgary and operating west from Macleod through to Vancouver on both the main line and the south main line with head-end and tail-end radio communication.

Q Do you know what the cost of that will be?

A At the present time the cost would be \$408,000 to equip all trains, based on the number of trains now operating.

Q What kind of installation does that contemplate?

A On the locomotive there would be a 25-watt transmitter-receiver with a loud speaker capable of clearly making signals to the engineman regardless of the throttle position. In other words, whatever noise the engine is making, and regardless of rock cuts, regardless of bridges and locations other than in tunnels of over 100 yards in length. That is the only location where there are any dead spots

and our engineers tell us that that can be rectified so that signals can be given at all times.

In addition to the 25-watt set on the cab of the locomotive --

Q Just a minute, before we leave that. On its trip the Commission saw a radio installation. Was that the 25-watt installation that you are talking about? Is that the same type of installation that the Commission saw during its observations?

A No, it is not. The Motorola people have come out with an entirely new 25-watt transmitter-receiver. This is a portable set. In other words, the loud speaker would be the same as was heard in the cab at that time, but the radio itself is portable. All you have to do is pick it up with the handle and walk from one unit to another and plug it in. It is a new type of transistor power.

Q It has transistor power?

A It has transistors and some tubes, but mostly transistors.

MR. SINCLAIR: The Commission will recall that it was a fixed installation in the engine that they saw.

THE WITNESS: I may say that the reason the cost was reduced so much was because of the flexibility of the 25-watt portable set.

BY MR. SINCLAIR:

Q In other words, I take it you mean by that that instead of having every unit that has controls equipped with a fixed radio, all you would have to do is to have an attachment and then you could move the radio to whatever unit was leading the consist; is that right?

A That is right. It is just like plugging in a lamp. There would just be a plug in the nose.

BY THE CHAIRMAN:

Q Does that mean that with that equipment the engineer and one man on the back of the train, on the point of the movement if it is going backwards, would be capable of handling the move, and then if you wanted to have both ends of the train protected, whether it was going backward or forward, you would have to have another man on the front, but you could do the whole thing with three men; is that what you mean?

A If I understand your question, the trainman who would be instructing the engineman on the switching would be at the point of the movement. He would have a portable installation. It is our intention to supply them with walkie-talkie portables. He would talk directly to the engineman and tell him when to back up and when to go ahead and

so on, and the tail-end trainman will have a portable, as also will the head-end trainman.

Q So the engineer with two trainmen could handle any move backward or forward with any number of cars?

A The engineman and one trainman could. You only need one trainman to give instructions to the engineman.

Q Yes, but I am dealing with the situation where the engine and the cars are first going in one direction and then in the other. If you have the engineer plus a man at one end of the movement and a man at the other end of the movement who do not change, that would be the maximum crew that you would need?

A That is right.

Q But if the number of cars that are being handled is smaller, one man in addition to the engineer could handle it because he could get off and go from the front to the front, depending on whether the engine was backing up or going forward; that is, two men can do it?

A They can do it, yes.

Q That is really what you are saying.

MR. LEWIS: By two men he means one man in addition to the engineman.

THE WITNESS: Yes.

BY MR. SINCLAIR:

Q You mean a crew of one groundman and the engineer?

A One groundman and the engineer. For instance, this move at Golden, if I might explain, the one trainman gives all the instructions to the engineman and the engineman never even looks at him.

BY THE CHAIRMAN:

Q I take it that that is in a particular locality, but I want to be clear just what were the implications in the use of this equipment. If you have not too many cars and if you do not care how long it takes for a man to get off the point of the movement when it is going in one direction and walk up to the point of the movement when it is going in the other direction, then the engineer and one man can take care of the switching?

A That is right.

Q If it is a longer train or you do not want to waste time, then you would have a man in front of the engineer and one behind the engineer but the train can shuffle in both directions with three men?

A That is right.

MR. LEWIS: Again for the record, the three men would mean one engineman and two groundmen?

THE CHAIRMAN: Yes.

HON. MR. McLAURIN: You are dealing with signal passing only, you are not talking about other operations that might be involved such as cutting a train, setting retainers, setting brakes and so on? What you are talking about now is the number of men required to simply pass signals, not to make other moves?

MR. SINCLAIR: That is right.

BY MR. SINCLAIR:

Q Mr. Smith, I think you mentioned that at the head-end there would be a 25-watt portable type transmitter-receiver. Would there be any other equipment on the head-end?

A Yes, there will be a one-watt walkie-talkie, that is a receiver-transmitter for the head trainman.

MR. SINCLAIR: The Commission will recall that during their observations they saw a five-watt installation.

BY MR. SINCLAIR:

Q What happened to the five-watt installation, Mr. Smith, on your tests?

A We found, Mr. Sinclair, that the five-watt was much larger than we required. In other words, the one-watt adequately takes care of the situation. We did not need the extra four watts, in other words.

Q I think you mentioned to the Chairman that

aside from switching there were other duties that could be performed by the use of radio. Let me put it this way. Would you please state the advantages of operating by the use of radio and tell the Commission which in your opinion are the most important factors involved in the use of radio?

A The most important one I would say, giving the results of the tests, is that it saves a great deal of time. They are most efficient for that. We found that in all cases heading in and out of sidings, by being able to instruct the engineman when you got to the switch and when the switch was lined and when the trainman was on, and so on, made it much easier for the crew and also expedited the movement.

We also found that it could be used very well prior to arrival at stations when the crew would be able to set down the different moves that were to be done and thus save time.

Q That would be the conductor and the engineman?

A That is right.

Q What about the flagging rule?

A Under certain conditions -- we made tests with the one-watt walkie-talkie when a man was out flagging and all the conductor has to do or all the engineman has to do is

just tell the fellow to come in. There are certain locations where whistle signals cannot be heard.

Q The head trainman or the engineman or the tail-end man could talk with him by radio?

A That is right.

Q Where he could not hear a whistle signal. You say there are some locations when a whistle signal cannot be heard?

A That is right.

Q According to the rules, sometimes you go out as far as 2,500 feet, is it?

A 2,000 yards.

BY HON. MR. McLAURIN:

Q Could you give us some examples of locations where whistle signals cannot be heard?

A In the canyon immediately east of Golden there are places where because of the noise of the river and the curvature you cannot hear the whistle for any appreciable distance.

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Q. You said if the firemen were removed, the company policy is to apply some of these devices which have been applied on MacLeod west and Calgary west. What about any other place on the system - say east of Calgary?

A. Well, we have not conducted studies there yet, Mr. Sinclair, but what we do know about it is we do not consider they are necessary.

Q. Did you say everything you wished to say with respect to Exhibit 321, Golden?

A. Yes.

Q. I think you put your summary in; you talked about the effect of winter and so on; and you expressed your opinion with respect to the use of radio under Move 3.

THE CHAIRMAN: If you are turning to a new subject, we will take a break.

--- Recess.

--- Upon resuming.

MR. SINCLAIR: Mr. Chairman, I would file as Exhibit 322 Mr. Smith's switching test at Illecilewaet.

EXHIBIT NO. 322: Switching test -
L. R. Smith, at
Illecilewaet, road
switching

BY MR. SINCLAIR:

Q. Is there any particular comment you would want to make there, Mr. Smith? The reference is to Union evidence, engineman G. Hobbs; a memorandum by myself; the Commission viewed this location; and your test is set out.

A. I would like to point out, irrespective of the fireman when hand signals are used it is again necessary for the rear end crew members to assist in the switching. At the top of page 2 there is a note I would like to draw to the Commission's attention.

Q. Would you mind reading it?

A. "Note: At commencement of movement eastward on main track, signals could have been given to engineman by positioning head and rear trainman on ground on right side about 400 feet apart and conductor on side of trailing car. Train crew expressed preference to ride on top of cars from commencement of movement."

Q. As I recollect the memorandum filed by myself and my friend - that is Exhibit 284 - we set out the move there with the men on the ground on one side. When we were there the crew said they would rather go on top, is that it?

A. That is right, sir.

Q. And your summary?

A. "Summary: Move 1 - signals given to fireman - 12 mins. and 16 secs.
Move 2 - signals given to engineman - 11 mins. and 24 secs.
Move 3 - instructions transmitted by radio - 11 mins. and 9 secs.

There was no difficulty or hazard involved in giving signals direct to engineman."

Q. What about the weather conditions in winter, do they affect the situation at Illecilewaet? Is that in the snow belt or is it not?

A. Yes, Illecilewaet is in the snow belt. However, I would like to point out that there is no drifting at Illecilewaet, and there is very seldom any switching. When there is switching to be done, this is a location where there is no problem with spreading the snow, with the assigned snow service. The snow spreaders would keep it spread to the south, and if the men decide to stay on the ground, the location where they would be standing is a point where the snow is easily spread by the assigned snow service. As you may recall, it is a territory where we have an assigned snow service which operates between Revelstoke and Beavermouth.

Q. If I remember Mr. Hobb's testimony, I think

that at Illecilewaet there was some suggestion about bad orders. What about that? That would not be able to be set up in advance - that is an emergent condition?

A. That is right.

Q. Would the snow condition affect the setting out of a **bad order** at times?

A. No; I have actually been there when they set out bad orders at Illecilewaet in the winter, and I did not see any problem.

Q. Was the fireman used as a signal passer?

A. Not necessarily, no.

MR. SINCLAIR: Mr. Chairman, Exhibit 323 is Mr. Smith's switching test at Sicamous.

EXHIBIT NO. 323: Switching test -
L.R. Smith,
Sicamous - road
switching.

BY MR. SINCLAIR:

Q. Would you draw to the attention of the Commission quickly any points on this exhibit you wish to draw to their attention?

A. This is another location where, irrespective of firemen when hand signals are used it is necessary for the rear crew to assist in the switching.

Q. And your summary?

A. "Summary: Move 1 - signals given to firemen - 5 mins. and 13 secs.

"Move 2 - signals given to head trainman - 5 mins. and 15 secs.

Move 3 - signals given to engineman - 5 mins. and 8 secs.

Move 4 - instructions transmitted by radio - 4 mins. and 58 secs.

There was no difficulty or hazard involved in giving signals direct to the engineman."

Under Move 2, that is another location where the trainman maintains his position in the engine cab.

Q. Which would be your preference under the usual situation, that is under normal conditions, as to which move, 2, 3 or 4 you would use at Sicamous if you had switching to perform?

A. I would do it under Move 3 in this case.

Q. I forgot to ask you that question with respect to Exhibit 322, and with the permission of the Commission I will ask it now. At Illecilewaet, what would be your preference, radio on ~~Move~~ Move 2?

A. Well, with the number of cars to be handled I would use Move 2.

BY MR. SINCLAIR:

Q Then, back again to exhibit 223 there is another question. What about winter conditions at Sicamous?

A It is not in the snow belt. Snow is light. There is no drifting; it is a wet type of snow. In the period of the year in which there is snow there up at Shuswap Lake the temperature is mild. In the location where it is necessary to work it is level and good.

MR. SINCLAIR: Exhibit 324 is Mr. Smith's switching test at Monte Creek.

EXHIBIT NO. 324 -- Switching
test at Monte
Creek.

BY MR. SINCLAIR:

Q What about this?

A This is another location where irrespective of the fireman when hand signals are used it is necessary for the rear-end crew to assist in signals. Summary. Move one -- signals given to fireman time four minutes and thirty-two seconds. Move two -- signals given to head trainman to engineman, time four minutes and thirty-two seconds. Move three -- signals given to engineman four minutes and twenty-six seconds. Move four -- instructions transmitted by radio, four minutes and eighteen seconds. I would like to point out at this location a trainman would not encounter any

difficulty walking on the right of way.

The snowfall is very light, never more than a few inches.

Q What about difficulty or hazard in giving signals direct to the engineman?

A No difficulty or hazard involved in giving signals directly to the engineman.

Q I know, Mr. Chairman, when the Commission was west, and I think it is also in the evidence, sir, there was some suggestion that snow might affect the conditions at Monte Creek. We have had Mr. Smith's views on that matter. Which would you prefer in this?

A I would use move three in this case.

MR. SINCLAIR: Exhibit 325, Mr. Smith's switching tests at Drynoch.

EXHIBIT NO. 325 -- Switching
tests at
Drynoch

BY MR. SINCLAIR:

Q Are there any points here to which you wish to draw attention?

A Irrespective of the fireman, with the hand signals used it is necessary for the rear-end crew to assist. Due to the location I would like to point out ~~it~~ states above that the request was that the 25th car be set out and due to the rock cut and high rock bank, or a mountain you could call it, at this point, it was not possible to give hand

signals direct to the engineman with more than 15 cars. Therefore if you are setting out the 25th car you would have to do it in two cuts by making hand signals.

Q Is it possible to give signals to the fireman with the one cut of the 25th car?

A No.

Q It is two cuts no matter who it is?

A Yes. Summary. Move one -- signals given engineman, two minutes and forty-seven seconds. Move two -- signals given engineman, two minutes and twenty-eight seconds. Move three -- signals given engineman two minutes and twenty-eight seconds. Move four -- instructions transmitted by radio, two minutes and twenty-three seconds. There was no difficulty or hazard involved in giving signals to engineman.

Q I notice your note:

"On moves one, two and three total time required to set off 25th car would be double the times shown."

What you are saying is you handle it in two cuts?

A Yes, with hand signals; but with the radio it would be handled in one cut.

Q What is your preference then in moves?

A I would use the radio, move four.

BY THE CHAIRMAN:

Q In the first paragraph it says you would have to do it in two cuts. What was it that took only two minutes and forty-seven seconds?

A That was one cut, sir, and the note underneath the summary says on moves one to three the total time required to set off the 25th car would be double the times shown.

Q But you are speaking about setting off the 25th car always and therefore if it takes two cuts how can you do it in two minutes and forty-seven seconds and double it?

MR. SINCLAIR: I think if you read one, two and three he is handling and timing only one move. It shows he timed one move and the same procedure has to be followed for the second move, and rather than doing it he said it doubled the time. That is what it means. In radio he didn't have to do it.

THE WITNESS: This is another location where the snowfall is very light. The working area is level and good.

THE CHAIRMAN: I suppose you want to ask him how he would do it?

MR. SINCLAIR: I think he said he would do it by radio, it is half the time.

THE WITNESS: That is right.

MR. SINCLAIR: In exhibit 326 we are now on the south mainland, Castlegar, B.C.

EXHIBIT NO. 326 -- South mainland,
Castlegar, B.C.

BY MR. SINCLAIR:

Q. What about this?

A. This is another location where, irrespective of the fireman, when hand signals are used it is necessary for the rear crew to assist in the switching. Summary. Move one -- signals given to fireman, five minutes and forty-seven seconds. Move two -- signals given head trainman, five minutes and forty seconds. Move three -- signals given engineman, five minutes and thirty-two seconds. Move four -- instructions transmitted by radio, four minutes and forty-seven seconds. There is no difficulty or hazard involved in giving signals directly to the engineman.

Q Which is your preference?

A I would use move three.

Q What about winter conditions at Castlegar in so far as they might affect the ability to conduct switching and giving signals back to the engineman?

A Castlegar is not in the snow belt. There is a moderate snowfall with a moderate

temperature, no drifting and walking is good in the Castlegar yard.

MR. SINCLAIR: Exhibit 327 is Mr. Smith's switching tests at Yahk. The Commission made an observation here. You will recall they walked along a road at Yahk and they also saw the radio used at Yahk. They went out to the position where the train would be standing and they also saw the radio used.

EXHIBIT NO. 327 -- Mr. Smith's
switching tests
at Yahk

BY MR. SINCLAIR:

Q What about this?

A This is another location where irrespective of the fireman, when hand signals are used it is necessary for the rear crew to assist in switching. Summary. Move one -- signals given fireman, six minutes. Move two -- signals given head trainman.

Q That means he stays in the cab on the left side?

A Yes. Five minutes and forty-two seconds. Move three -- signals given to engineman, time five minutes and thirty-five seconds. Move four -- signals given to engineman by trainman on top of first car behind locomotive, five minutes and thirty-five seconds. Move five -- signals given engineman in controls of trailing unit, five minutes and twenty-four seconds. Move six --

instructions transmitted by radio, five minutes and seven seconds. There was no difficulty or hazard involved in giving signals to the engineman.

Q What about winter conditions? Would that cause any difficulty or hazard in the giving of signals direct to the engineman?

A No. There would not be any difficulty, but occasionally at Yahk they have a heavier snowfall although not in the real snow belt. There is no drifting, never any wind to speak of at all at Yahk. They occasionally run a snowplow at Yahk in the winter but working conditions are level and I cannot see any hazard.

Q I think it is important here, Mr. Chairman, in the light of the evidence of conductor Brunner and also in view of what was said here by another witness Armstrong which I will have something to say about later, to note that in move three I think the Commission saw where the trainman was to be placed, and that was off the road-way.

A That is right, sir.

Q To the east of the secondary road and off the travelled portion?

A The secondary road north of the highway.

Q What would be your preference there in exhibit 327? You have five moves aside from giving it to the fireman?

A At Yahk I would use move three.

Q This is exhibit 328, Mr. Smith's switching tests at Wardner.

EXHIBIT 328 -- Mr. Smith's
switching tests
at Wardner.

A Irrespective of the fireman when hand signals are used it is necessary for the rear-end crew to assist in the switching. Summary. Move one -- signals given fireman, five minutes and fifty-eight seconds. Move two -- signals given to head trainman, six minutes and one second.

Q That is the head trainman staying in his position on the engine?

A Yes. Move three -- signals to engineman, five minutes and forty-seven seconds. Move four -- signals given to engineman to trainman on trailing unit, five minutes and twenty-eight seconds. Move five -- signals given engineman by trainman on fender behind locomotive, five minutes and thirty-seven seconds. Move six -- signals given to engineman, five minutes and twenty-five seconds. Move seven -- Instructions transmitted by radio, four minutes and twenty-eight seconds. There is no difficulty or hazard involved in giving signals at Wardner.

Q The Commission also made an observation

that there was a mill north of the track walked up there from a distance and also saw radio used at this location. One of the trainmen would be up the road across the tracks from the mill.

A Move three is where the man walked up the roadway.

Q A distance of 195 feet?

A Yes.

Q Of those moves, two through to seven, which would be your preference if you had the work to do?

A Knowing Wardner I would use move seven, that is the radio.

Q What about winter in Wardner as to affecting conditions for switching?

A Well, Wardner is not in the heavy snow-belt and the roadway referred to is a provincial road and it is ploughed by the provincial government. It is used continuously by the sawmill people. In other words, walking on the road is good and the ground is level. I do not feel there would be any hazard there.

THE CHAIRMAN: In connection with exhibit 320, I do not think you asked the witness which moves he suggests should be followed.

BY MR. SINCLAIR:

Q In exhibit 320, Field?

A In Field I would use the move where the

head trainman is on the top of the caboose which is move thrée.

Q That is the one the Commission saw and got up on the caboose and I believe asked if they could really see. Is that correct, Mr. Lewis? He remains silent and that is understandable. There is one other point on which Mr. Smith has made some tests and this has to do with the Moose Jaw yard. There is evidence on behalf of the union from an engineman in volume 37 of the evidence at pages 5090 and 5091 and volume 38 at pages 5295 and 5297. My note is that the witness in describing the double-over movement said the fireman had been used as a signal passer because of a left curve. My friend and I in exhibit 297 filed a memorandum. In that memorandum there was reference made to "F" yard and the long tracks in "F" yard, some ^{car} 100/tracks. At the bottom there is a statement that as soon as the steel is available two additional tracks of that length in "F" yard would be constructed. I said at the time when rebuttal came I would have somebody speak to those additional tracks. Those other tracks are now in use and have been there since the 1st of October. That gives a total of five tracks. They will hold how many cars? A. One hundred and eighteen is an average.

Q The effect of that is to do what?

A That eliminates a great deal of doubling in of trains. It pretty well takes care of the majority of trains.

Q Have you any plans about the Moose Jaw yard as far as other trackage extension is concerned in there?

A Yes sir. We have plans prepared or in the process of being prepared to join "D" and "C" yards together.

Q You will recall that "D" and "C" are one after the other and "F" is above. "F" as it now stands goes right across the top of the yard?

A Yes, next to the main track, north of "D" and "C" yards.

Q What are your plans about D and C yards?

A We have plans, or are making plans to join the two yards together which will entirely eliminate any doubling-in or doubling-over of trains.

Q Have you made observations of doubling-in and doubling-over movements in Moose Jaw?

A Yes, sir, lots of them.

Q On the basis of your observations what would be the effect of a fireman not being used as a signal passer? As to time, what would happen?

A I am satisfied, Mr. Sinclair, that there will not be any loss of time by the giving of signals on the engineman's side.

Q Are signals now given on the engineman's side, or are they not?

A They are now given on the engineman's side.

MR. SINCLAIR: I have a sketch here which shows very clearly the "D" and "C" yards, and where "F" yard is, if you wish to have it. I will file it.

EXHIBIT 329 -- Moose Jaw yard.

BY MR. SINCLAIR:

Q "D" yard is marked on this plan, but "C" yard is not.

A "C" yard is the yard immediately to the right of that which is marked "D" yard.

Q "F" yard is above, stretching across both

"D" and "C" yards?

A That is right.

Q So the plan would be to join, as you suggest, "D" and "C" yards by extending these tracks and making one whole yard?

A That is right.

Q How far does "C" yard extend, to the east that would be?

A It would give about a 120-car track. Does that answer your question?

BY MR. LEWIS:

Q Does it go to the edge of the sketch?

A Much further than that; it goes down quite a distance here. It is about the same length as "D" yard.

MR. SINCLAIR: Mr. Chairman, in Volume 54, pages 7682 and 7683, the Union's witness Hopkins was on the stand and gave evidence concerning certain yard operations that were being discussed. I put to him a bulletin which had been issued in London and asked him concerning that bulletin which had just been issued. The witness said he had not read the bulletin and when I tried to ask him whether he knew about it my friend drew to my attention that the witness had said he had not read it. I offer that as substantiating my question now.

BY MR. SINCLAIR:

Q Mr. Smith, have you seen Exhibit 273,

which is dated June 18, 1957? I want to read from the body of it as follows:

"The safe and proper practice is for yardmen to give signals directly to the engineman. Yardmasters and yard foremen are responsible for seeing that this practice is followed and must arrange their work and position their crews accordingly.

J. O. Johnston."

Have you seen that bulletin?

A Yes, sir, I have.

Q Where is that bulletin in effect?

A It is in effect on the Canadian Pacific system.

Q How do you know that?

A Because I have seen the instructions that were issued from the Senior Vice-President's office.

Q Is it in effect and did you receive instructions as General Superintendent of the Saskatchewan District?

A Yes, sir.

Q Have you seen this bulletin in the books at any specific points?

MR. LEWIS: I think if my friend states to the Commission that this is a system-wide bulletin, I am not going to question his statement.

MR. SINCLAIR: Very well, this is

a system-wide bulletin.

BY MR. SINCLAIR:

Q Now, Mr. Smith, in the transcript -- I must apologize because I have not the page number here -- reference was made to these 44-tonners, that is under 190,000 pounds weight on drivers, yard-switchers, diesels. I think that evidence was given by Mr. Shepp and by Mr. Gossage and possibly by Mr. Fraine. I have not my note on it, but in any event it was stated that these locomotives were being tested at St. Luc and then had been sent to Yorkton, Saskatchewan, and Portage la Prairie. Yorkton, Saskatchewan, is under your jurisdiction and that is why I want to ask some questions about it.

Do you have a 190,000 pounds weight on drivers diesel operating in Yorkton?

A Yes, sir.

Q It has been there for how long?

A From about the end of June.

Q What crew is on that engine?

A One engineman and three ground crew.

Q No fireman?

A No fireman.

Q Have you issued any special instructions in regard to that, as to the positioning

of the ground personnel?

A Yes, we have issued instructions about the ground personnel locating themselves to protect crossings.

Q Highway crossings?

A Highway crossings.

Q How would you issue those instructions?

A We put out bulletings.

Q I show you Bulletin No. 184, dated Saskatoon, September 11, 1957. It is addressed to Yard Foremen and Enginemen, at Yorkton. This reads:

"At public crossings at grade, if the view of the engineman on an engine operated without a fireman is obscured, the engineman must arrange for a member of the crew to be in position to observe the crossing and to give signals to the engineman as necessary. Such position may be on the ground or on the engine or cars being handled.

If cars are being pushed over or along a public road at grade, the second paragraph of Rule 103 applies --"

That would be the Operating Rules.

"If, however, special instructions require manual protection of the

"crossing, the position taken up must be on the ground at the crossing." Those special instructions referred to, where would they be found?

A In the time card.

EXHIBIT 330 -- Bulletin 184,
September 11, 1957.

HON. MR. McLAVRIN: Is that a yard switcher?

MR. SINCLAIR: A yard diesel which comes within the exceptions.

THE WITNESS: It is a hydraulic diesel.

MR. SINCLAIR: It comes within the exceptions to the diesel rule in the effective agreement.

BY MR. SINCLAIR:

Q What experience have you had in operating this engine with the engineman alone in the cab?

A It has been very successful. We have not had any trouble in carrying out the work or spotting cars. Spotting and other work has been carried out in the normal manner.

BY THE CHAIRMAN:

Q Has it dual control?

A No, sir, it has not.

BY MR. SINCLAIR:

Q Has it dead-man control?

A Yes, it has.

Q Are you sure?

A Yes, sir.

Q Maybe you would like to phone Yorkton at noon?

BY THE CHAIRMAN:

Q Have you any other yard switchers at Yorkton?

A No, we have not.

Q What work does this engine do?

A Spotting the industries in Yorkton, the elevator tracks, the freight shed, and making up cars for trains, and industrial switching.

BY HON. MR. McLAURIN:

Q Grain elevators?

A Yes, switching grain elevators.

BY THE CHAIRMAN:

Q What is the purpose of having this particular engine? Is it able to do what a larger and more powerful engine would do?

A It does exactly the same work.

Q Why do you need more powerful engines?

A Why do we?

Q Yes.

A We do not at Yorkton.

Q I mean any place?

A Well, if you are working in a yard, of course, on occasion you will be handling

long cuts of cars which with this unit would take longer because it is not as powerful, but at Yorkton the work is mostly industrial switching. In other words, just handling a few cars at a time.

BY HON. MR. MARTINEAU:

Q How many horsepower?

MR. SINCLAIR: Four hundred, I think.

THE WITNESS: I was going to say 400, but I am not positive.

MR. SINCLAIR: With regard to this dead-man control. My technical adviser tells me that perhaps the way I put the question the answer was quite all right.

BY MR. SINCLAIR:

Q You said that it had dead-man control?

A Yes.

Q Is it not --

THE CHAIRMAN: We want to have exact information.

MR. SINCLAIR: Rather than having to call Mr. Woodland, perhaps my friend would agree to my calling Yorkton and making certain?

MR. LEWIS: My friend can do that. I do not mind my friend telling the Commission what it is. There would be no point in calling a witness.

MR. SINCLAIR: If there is any doubt about it I will phone Yorkton at noon.

BY MR. SINCLAIR:

Q There has been a great deal of evidence given in these proceedings, Mr. Smith, about switching en route and the way signals are passed in certain locations, how they might be passed and indeed how they should be passed. Has there been any bulletin issued giving instructions as to how signals should be passed in connection with switching on route?

A Yes, sir, there has.

Q I show you Bulletin No. 211, dated Smiths Falls, September 5, 1957, which provides:

"In switching movements, the safe and proper practice is to give signals directly to the engineman. This practice, followed in yard operations, is also applicable to switching performed by road crews.

Conductors are responsible for organizing their work and positioning themselves and their trainmen accordingly."

Have you ever seen that bulletin?

A Yes, sir, I have.

EXHIBIT 331 -- Bulletin No. 211,
September 5, 1957.

THE CHAIRMAN: What is that exhibit?

MR. SINCLAIR: Exhibit 331 is a

bulletin addressed to Conductors and Enginemen and provides for the giving of signals directly to the engineman by road crews.

THE CHAIRMAN: And the date?

MR. SINCLAIR: It is dated September 5, 1957.

BY MR. SINCLAIR:

Q Where did you see that bulletin?

A I have seen it at Moose Jaw.

Q This is a system bulletin and my friend says he is prepared to accept my statement. This is a system bulletin applicable throughout the Canadian Pacific system. Mr. Smith, since these orders have been in effect from early in September have you made a check to ascertain whether there are any locations, either in yards or on the road, where either yard crews or road crews have stated to the company officers that they are having difficulty conducting their work in accordance with their instructions?

A Yes, I have made a very recent check, Mr. Sinclair, and there were some locations in yards where it was necessary to turn the engine and it was necessary on some occasions to re-position men; in other words, to have a little consultation about the manner in which this is to be performed. Now that work is being performed without

difficulty.

On the road there is no difficulty in road switching to live up to the bulletin.

Q In your observations since the bulletin has been in effect -- I take it you have been on the road since September?

A Yes.

Q In your observations going over your territory and over the company's system as you have been doing have you seen people not following the rules?

A Not unless I told them to give signals to the firemen.

Q That is when you were making your tests?

A That is right.

Q But I mean with normal switching?

A In normal switching the signals are given to the engineman.

MR. SINCLAIR: Mr. Chairman, you will recall that I mentioned during the observations of the Commission in Europe and since we adjourned that there had been developed a new type of dual control. I wrote a letter about it and I must apologize for calling it an electronic control. We have not one of those yet.

THE CHAIRMAN: I do not suppose we are concerned about its name; it is a dual control.

MR. SINCLAIR: It is a dual control

and Mr. Smith is here to give some evidence about it. The Commission will be observing this on Wednesday afternoon along with my friend and his advisers. We have made those arrangements, but in the meantime I want to ask Mr. Smith one or two questions about it.

BY MR. SINCLAIR:

Q Have you seen this new electric dual control?

A Yes, sir, I have.

Q When was it developed?

A It was developed during the latter part of August by General Motors Corporation.

Q Just shortly, what is it?

A Well, it is a very marked improvement over the previous dual control. You do not have to have the usual stand on the other side or the usual dual control. The dual controls themselves could almost be called a portable dual control. In other words, it can be picked up and carried from one unit and installed in another unit. It is also very simple to operate.

The Commission will be seeing it so we do not need to go into that.

What is the cost of this dual control?

A The installed cost at this time is \$555.

MR. SINCLAIR: The Commission will recall that we gave some figures concerning

the installation of dual control stands which meant the duplicating of the installation on each side of the engine cab.

HON. MR. McLAURIN: \$5,000 to \$9,000. The one we saw in Toronto represented a \$7,000-odd touch.

MR. SINCLAIR: That is right.

MR. LEWIS: This one is \$555.

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BY MR. SINCLAIR:

Q. What is the company policy in regard to these dual controls, Mr. Smith? Has it been evolved or decided as to what they are going to do about them?

A. Yes. If we find there are specific locations where the dual controls would be worth while we would adopt them on that engine in that territory.

Q. With your knowledge of the situation, what is your expectation? Would there be many or few?

A. There would be very few.

MR. SINCLAIR: Mr. Chairman, there is one point that came up during the observations of the Commission in Europe, which was raised by my friend. It was at at the St. Gotthard tunnel in Switzerland, and there was one other tunnel. Reference was made to the fact that at points through the tunnel there were telephone stations in case of difficulty in the tunnel. I informed the Commission that that was not a new thing, that we did that on the Canadian Pacific. Having said that, I feel I should call Mr. Smith to say whether that is so or not.

BY MR. SINCLAIR:

Q. Mr. Smith, on the Canadian Pacific are there or are there not tunnels where there are telephones in the tunnels in case they are required by train crew or the section

crew or anybody else?

A. Yes - two tunnels I can think of: Connaught tunnel, which is five miles long, and Laurier tunnel, which is something over half a mile.

Q. In the Connaught tunnel how far are the telephones apart? You say the tunnel is five miles, how many telephones are there?

A. There are eight telephones in Connaught; they are roughly half a mile apart.

Q. And what about Laurier tunnel?

A. That is between Glacier and Revelstoke; there is a telephone in the centre of it and a telephone at each end, immediately outside the tunnel.

Q. We have been going over the switching tests, Mr. Smith. I now want to take you to another subject, and in particular about snow conditions. I wish to call your attention to specific conditions as given in evidence by the Brotherhood witnesses. Mr. Brunner, in Volume 46, page 6436, under Examination by Mr. Lewis referred to the Nelson subdivision, and particularly Yahk - these are places he had given evidence on - he gave this answer:

"Well, Mr. Chairman, at this particular point, not only this point, but all points where we do switching in our territory there is much curvature,

"and in nine months of the year we have snow that is so high on the sides you could not possibly walk up to give signals... We have to work on both sides. Fifty per cent of the time we work on the fireman's side and 50 per cent on the engineer's side. I would say at all switching points."

You have lived in that territory, Mr. Smith. What is your comment on Mr. Brunner's statement as to snow conditions?

A. I believe Mr. Brunner is mistaken, sir.

Q. Engineman Hobbs, in Volume 51 at page 7333, dealt with snow conditions on the Mountain subdivision and on the Shuswap. He talked particularly about Mountain subdivision, about glaciers and heavy snowfalls. What have you to say about that?

A. It is true that at certain locations there are heavy snowfalls in the Mountain subdivision. If I recall Mr. Hobbs, when he was talking about snow slides, he said he was using the points where they controlled their movement of the trains because of snow slides.

Q. Yes, that is correct; I remember that too. I think he went on, and some of the other witnesses may have covered it too, but I

will give the Commission reference to the evidence of Engineman Knuff in Volume 59, where he dealt with **slide conditions**, rocks and matters of that kind. I do not have the page, but I would refer to page 8295 and following, where he dealt with such matters as rocks, and where he mentions Spence's Bridge and North Bend, which the Commission specifically changed their plans to view. He also had something to say about patrol men. I asked you to develop a number of locations where patrol men are employed on the main line covering both mountain territory and valley territory. I think you have done so. Will you please tell the Commission what the situation is with respect to patrols in specific locations?

A. On Mountain subdivision there are two points where patrols are employed, that is regular patrols: On the Thompson subdivision there are five locations, which is valley territory; and on Cascade subdivision, which is also valley territory, there are nine regular patrol men.

Q. What about Shuswap, which is also valley territory?

A. On Shuswap there are none.

Q. You say there are five on Thompson, nine on Cascade, none on Shuswap?

A. Yes. If I may say so, as I recall the evidence of Mr. Hobbs, the snow slides he referred to are certainly not as numerous or as large as they used to be on the Mountain subdivision.

Q. Why is that?

A. Well, the vegetation, where they have controlled the forest fires, has grown to the extent where the number of slides are not nearly as numerous nor as large as they once were. In addition to this, we have in recent years made some track changes, some divergence around slides. In so far as the actual snow fall itself, since the advent of the bulldozer particularly, we have had a great deal of success in cleaning snow in the yards and around switches and locations such as that; we have also purchased tractor operated snow blowers which are used at these locations. In other words, conditions are much better today than they were a few years ago.

Q. That is both as to slides and to these other things generally ---?

A. As to slides and generally in yards and walking conditions.

THE CHAIRMAN: Perhaps this is a good point to adjourn.

--- The Commission adjourned at
12.30 p.m. until 2 p.m.

Take "J"
Hagen
Offer

- 8470 -

Monday,

October 21, 1957.

AFTERNOON SESSION

--- The Commission resumed at 2 p.m.

L. R. SMITH, recalled.

BY MR. SINCLAIR:

Q. Mr. Smith, just before the noon recess we were dealing with snow conditions, slides and related matters. At my request you developed from the company certain figures for each of the districts, and you have provided us with the total charges for snow removal.

MR. SINCLAIR: Mr. Chairman, I would like to file as Exhibit 332 this document headed "charges to account 272, removing snow, ice and sand, 1950-1955."

As that is an accounting designation, 272, I should perhaps read into the record the classification of Account 272:

"272. Removing snow, ice and sand.

This account shall include the cost of keeping track and roadway clear of snow, ice, and sand.

It shall include cost of preventing accumulation, such as the cost of distributing, setting up, inspecting,

"taking down, and re-gathering portable snow and sand fences; and cost of tools furnished for the purpose; also cost of storing fences.

It shall include cost of removing accumulations of snow, ice, and sand, cost of snow-plow and flanger service, and of work-train service; cost of applying and removing flangers from locomotives and cars, and of slatting pilots; cost of salt to keep switches clear; and cost of meals and lodging of men employed in removal service."

THE CHAIRMAN: What would be the removal of sand?

MR. SINCLAIR: In certain parts of the country, for instance southern Saskatchewan, there is drifting silt and sand; and also to fight certain conditions the company puts down a mixture of sand and salt, and they have to clean that up later. There would be the two types - drifting sand and also sand put down.

EXHIBIT NO. 332:

Charges to Account 272, removing snow, ice and sand, 1950-1955.

BY MR. SINCLAIR:

Q. Mr. Smith, will you look at Exhibit 332.

Have you any comment to make on it?

A. Yes, I would like to draw to the Commission's

attention the fact that the majority of the evidence given dealing with snow, relates to British Columbia. You will observe from the figures on the average cost per mile --

Q. That is the last column?

A. At the bottom the figures are given on the right-hand side. Average cost per mile of track. I would draw particular attention to the fact that in the Quebec district in each of those six years the cost was greater than it was in British Columbia. In the Algoma district it was greater in every year but one; and even on the Manitoba district, there were certain years when the costs were greater than they were in British Columbia.

MR. SINCLAIR: I might also state to the Commission the reason why we stopped at 1955 instead of taking in 1956. As of the first of January, 1956 the new classification of accounts of the Board of Transport Commissioners came into effect, and there are some small changes. Rather than have a distortion of figures and give a longer period, we went to the end of the old classification, so that there would be no question about the figures.

BY MR. SINCLAIR:

Q. I want to turn, Mr. Smith, to a matter which arose on two occasions in the proceedings:

One was first introduced by Mr. Lewis when he was examining Engineman Doull, in Volume 37, at pages 5138 to 5142; and later again, referring to Yardman Walters, who gave evidence in Volume 56, page 7890. I have something to say about it in cross-examination, and in a statement I made at pages 7900 to 7902. This is called the Romanic Case.

If I may summarize it, this was an accident that took place in the yard at Moose Jaw. The point being discussed at the time was the responsibility for look-out; and in this case, the engineman who is jointly responsible with the fireman, was given 20 demerit marks, and a fireman by the name of Chambers was given 40 demerit marks. In other words, the fireman got double the number of demerit marks the engineman got. I think this indicates that on certain types of curves the discipline shows that the fireman was held primarily responsible, and it was not just a joint responsibility.

When Foreman Walters was giving his evidence, I finally made a statement that had to do with the particular and peculiar circumstances surrounding Fireman Chambers. As I recollect it, I said that Fireman Chambers had been an engineman who had been involved

in some trouble, had been reduced to a fireman, and had been told that if he got into any more trouble he would be dismissed.

It was an act of grace on the part of the company, in view of the short time he had to go to retirement and on account of his personal circumstances, that instead of carrying out the sentence that was imposed on him, they gave him 40 demerit marks. This was done in view of his record and his nearness to retirement.

I think Mr. Lewis said he was not going to quarrel with my statement about that case. However, I feel, in view of the amount of attention being paid to it, and Mr. Smith being in charge of that district, while he is here on the stand he should be asked to say something about it.

Mr. Smith, you have heard what I said by way of resume, and I think you have read the transcript in connection with this matter. Could you briefly state whether what I have stated to the Commission is correct or not?

A. What you have stated, Mr. Sinclair, is correct. I might say that I was very closely connected with this mishap, and I feel confident I know the full particulars. I was at the location of the mishap within

fifteen minutes of the time it occurred. I did not personally conduct the investigation; it was conducted by my superintendent, but we had some lengthy talks on it. I read the complete file of Fireman Chambers, who had previously been an engineman, and it was clearly pointed out to him in I believe 1949 or 1950 -- I have forgotten the year, but in any case he was dismissed in 1948 for an affair. When he was re-instated it was clearly pointed out to him that if there was any further trouble he would be dismissed. He also was told, and he understood at that time, that he would be nothing more than a permanent fireman in the yard.

I would like to emphasize again that Fireman Chambers understood that any further mishap or trouble in which he had a responsibility meant he would be dismissed from the service. However, I know Fireman Chamber's circumstances in so far as his family is concerned, I know the type of man he is in the community of Moose Jaw, and I know that he is a man who has spent a good many years working for the Canadian Pacific. He has given a long service, and he is very close to his pension. For that reason he was given 40 demerit marks which, on the face of it may look a little

peculiar.

There is one other thing I would like to point out at this time. As I said, I was there within 15 minutes of this accident taking place, and I personally talked to the crews involved. I would like to point out, if there had been no fireman on this engine, no mishap would have occurred because the engineman would have been working on a signal from his yard man, who was out on the lead and would have known the position of the group before coming out there.

Q. I now turn to another subject, which was dealt with in my examination of Engineman Hobbs, at Volume 52, pages 7411 and 7414. I think I also raised it with Mr. Druce, at Volume 55, pages 7829 and 7830. It has to do with the question of medical fitness of men in engine service and running trades generally.

During Mr. Emerson's testimony this question of medical examinations and various diseases in connection with seizures and blackouts **was** discussed. In view of some of the questions I put in cross-examination, and also the statement I made to the Commission, I wish to deal with this question with Mr. Smith.

This question was also referred to

in Exhibits 109, 109-A and 109-B.

Mr. Smith, we have had evidence in these proceedings about periodic medical examinations of running trade personnel. I do not want to deal with that question, because it has not been questioned, but I do think the Commission should know what the company policy is with regard to epileptics.

A. Well, epileptics are not allowed to work in the running trade services.

Q. When was that put into effect?

A. I can't remember the exact date, but about a month ago.

Q. Would you like to check on that?

A. No, I am sorry; I think I have a note on that. The date with respect to epileptics was 1954.

Q. With respect to diabetics under insulin, what is the situation there?

A. A diabetic who is taking insulin cannot work in the running trade service either.

Q. When was that put into effect?

A. That was within the last month.

Q. Did these proceedings have anything to do with that decision, Mr. Smith?

A. No; this is a matter which I personally know has been under consideration and correspondence for some years. I would not say the proceedings had anything to do with it.

Q. There are two matters I want to deal with, Mr. Smith, both of which arise out of the use of fusees and signal passing. Engineman Gwynn gave evidence of two instances in which the fireman got off his engine and went back and became one of the sequence of signal passers to the engine-man; in other words, there was a four-man signal sequence. That is referred to in Volume 58, at pages 8107 and 8108, in which he said on June 14th, after a draw bar broke 75 cars from the head, the fireman went back 25 cars to assist in relaying signals while a disabled car was being set off.

In Volume 58, at pages 8108 and 8120 to 8122 he dealt with an instance on September 9, 1956. This was again with 75 cars, when he was stopped at Perdue, Saskatchewan on account of a hot box two cars from the van. The fireman went back 20 cars to assist the train crew with setting of a disabled car.

In both of those instances the witness Gwynn said the reason they needed a four-man sequence to get a signal to the engine-man was because of hazy conditions.

What is your comment on that, Mr. Smith?

A. We have those types of conditions, Mr. Sinclair, and the usual practice, and it is recognized

as the proper practice, is to obtain a fusee and give a signal with the fusee. In this manner I am quite confident an engineman could see the signal plain enough.

Q. If fusees were used?

A. Yes.

BY THE CHAIRMAN:

Q. I suppose that would be one instance where radio might have some value?

A. Yes sir, that is right.

BY MR. SINCLAIR:

Q. When the Commission was in Toronto, they made certain observations at A.R. Clark Company; also, I think Mr. Lewis raised in cross-examination the question of giving a signal through a fence.

Using that as an example, Mr. Smith, what about signal passing in yards under difficult conditions? Are fusees used?

A. Yes they are. As a matter of fact, in yards we supply a special type of fusee that burns green; it is a five-minute fusee. Of course Rule 7-A requires the engineman, if the signal is not clear, to stop and do something about it. We supply these fusees for that purpose.

MR. SINCLAIR: Before I go on to the last subject with this witness, I said something this morning about under 90,000 pounds weight

on drivers diesel at Yorkton. I agreed to get in touch with Yorkton and get the facts on the deadman control. That has been done by Mr. Woodman, who has handed me a note to say that, as the witness stated, there is a safety control on the diesel, but the safety control is not hooked up, there is no foot pedal and it is not in service; it is not effective, and has never been effective on this engine at Yorkton.

BY MR. SINCLAIR:

Q. Now Mr. Smith, Engineman Duke, at Volume 58, page 8076, gave some evidence concerning an incident -- he said he was not there himself, but this information was given to him -- which occurred on May 1st, 1957. He said an engineman by the name of Crawford on diesel engine 7018 had accepted a hand signal from a switchman, and kicked a car into team track 10. He then had to run around two cars, having one car ahead of the engine and two cars behind it. Switchman T. Krause was riding point, and did not notice that the car kicked into track 10 was still moving, and would run foul. According to Mr. Duke's information, as he told it to the Commission, Fireman Maksymiak being the only person who could see this, advised Crawford to stop at once. This Crawford did, which, said Mr. Duke, due to Fireman Maksymiak's point action saved

a sideswipe..

What is your comment on that?

A. This incident has been investigated, Mr.

Sinclair, and Yardman Krause has stated --

MR. LEWIS: Mr. Chairman, I am sorry, but my friend has now started -- he will tell me if he has not-- on a line of evidence on which I want to register a strong protest about what I am instructed has gone on, and also to suggest to the Commission that this sort of evidence should not be permitted, whatever its effect may be on the case at this stage. I am not at all sure that at this stage there is very much evidence that could effect the case.

I am instructed, Mr. Chairman, and have been for some time that the company officials have called in men who were concerned in any of the affairs about which evidence was given to this Commission, by witnesses which I called, or I imagine by the various witnesses who appeared before the Commission.

My learned friend before the hearing opening this morning assured me - and of course I readily accept his assurance without any reservation -that this was not done with the witnesses themselves. Those who did appear were not called; but the other men involved in these affairs were called in by the company to an office, or somewhere, and the officers of

the company questioned these men about these affairs, in the usual way in which the company does these things, with the men, I am instructed, having to sign statements.

Mr. Chairman, with the very greatest of respect, I must say I do not feel that is the proper thing to do. If my learned friend or any of his assistants wanted to investigate the affair, they had a right to do so if they wanted to. If they wanted to find out about it they could have questioned people as I question them, take notes of what they say. But to have those men taken into an office when an officer of the company was present, and have the man make a statement and sign it on matters that have already been put in evidence before this Commission and knowing what the situation is and the kind of things both sides are anxious about, it is my respectful submission, and I choose my words without intending to offend, that objectively it is a form of intimidation that should not take place.

(Page 8483 follows)

THE CHAIRMAN: Well --

MR. LEWIS: That should not take place. I am sure it was not intended. I say this without reservation. I have now worked long enough with my learned friend and his associates and have had the pleasure of working with officials of the company and I am certain it was not intended as intimidation. However, I cannot, objectively, see it having any other effect than this man being brought in and a person saying to him someone appeared on the witness stand and said such and such will you tell us the story and sign a statement. It is almost like the police taking a statement from a man in circumstances when a charge may be laid. I do not believe I am exaggerating.

THE CHAIRMAN: Assuming you are right, how does that become pertinent to this inquiry?

MR. LEWIS: Mr. Smith, and I understand other witnesses, will come to the Commission and say we have investigated, as Mr. Smith just said, and these are the facts which we obtained from these people. In my respectful submission evidence obtained in that way in the circumstances of this case should not be accepted by the Commission.

THE CHAIRMAN: Accepted or admitted?

MR. LEWIS: Admitted by this Commission. I think I can say without exaggeration I have not been attempting to be technical

to this inquiry and I am not raising this merely on a technical ground, but I am quite certain in my mind that if this kind of evidence is taken in the way I have described the purpose for which these hearings have been held will not be served. Not only will it not add to what the Commission has before it in the proper way but also the report which may be produced will not be served if the evidence adduced in this way is admitted.

THE CHAIRMAN: It would be a little difficult for the Commission to decide in the case of a dispute about any particular incident as to just how it happened. In the first place we might be swamped trying to conduct a whole lot of little trials during this general inquiry. After all these incidents which are brought to our attention are only useful as far as they help us in coming to a conclusion on the main question.

Now, you called some evidence, we will say, in connection with a particular incident from one or more of the participants. I take it that the witness here has gone and inquired, from his point of view along with other company officials, into the circumstances of that incident and Mr. Sinclair is proposing to have him say what he found out. If we were technical we wouldn't listen to it. That is a pretty rank kind of heresy evidence

but we have had lots of heresy evidence here. If it was important to get down to a determination of the facts of a particular incident we would have to call everybody in the department and have them examined and cross-examined and that is a pretty lengthy process.

I am wondering whether the witness could be allowed to say what he found out, and on the basis of what you say and what Mr. Sinclair might admit -- not that there was an intimidation but that the information was obtained in the way you say it was obtained in the presence of company officials which enables you to argue it is tainted because necessarily there was intimidation -- if the witness is allowed to state what he found out and how he found it out and how these statements of the employees were obtained -- then we have that and you can challenge it not on the basis that we should not admit it but should not pay any attention to it in view of the way you contend it was obtained. How about proceeding in that way?

MR. LEWIS: Mr. Chairman, the matter is in your hands. With great respect, you do not need my agreement. The point is if my friend considered the incidents of importance and felt he needed additional evidence in order to be able to make whatever he wishes to make

of it even though it required 15 or 20 witnesses, one for each one, even though we have taken enough time and I would not have been happy about this case taking any longer, still I think that this whole matter might be better served if we had to take two or three days longer. I remember parading as many as eight, ten or twelve witnesses on incidents on the same day. My friend might have done the same. I am certain in my own mind not only that it is the more proper way of proceeding in view of what you have said, ^{but} I say with great respect, ^{should} ~~we~~/do it that way so that there is not the resentment there is in the people who have spoken to me about being dragged up to an office of the company and examined in this way.

THE CHAIRMAN: What do you say, Mr. Sinclair?

MR. SINCLAIR: Mr. Chairman, a phrase such as being dragged up into an office of the Canadian Pacific is a very improper phrase. I am surprised that Mr. Lewis said that. That does not happen and I can assure the Commission it did not happen.

THE CHAIRMAN: I suppose the point is, not taking any particular incident or incidents but just taking an incident without it being a particular incident, certain evidence was given by Mr. Lewis and you apparently

proposed to have this witness say he has investigated and found out something about it. Is that it?

MR. SINCLAIR: I want to go further than that. The company conducts investigations into many incidents. In some of the incidents we had already had the investigation. We were able to go into the file and I intend to produce certain statements if I may where we did make an investigation at the time after we heard about the incident for the first time, and in the usual way the men were asked do you want your representative present, that is their union representative, and some of them were outraged at some of the things said in this witness stand by firemen and said they didn't want their representative; in other cases they said they wanted their representative and the representative was brought in. These incidents were brought in here and I went at them thinking the Commission would want the facts.

THE CHAIRMAN: Let us get back to one incident which has occasioned this discussion. Was it one that was investigated before or after the evidence given by Mr. Lewis' clients here?

MR. SINCLAIR: It was one where Mr. Duke said one of the members of his lodge had told

him this had happened. My friend has called people who say they do not know anything about this person but this is something ^{they} find in the brotherhood file.

THE CHAIRMAN: Mr. Duke was the witness here?

MR. SINCLAIR: Yes.

THE CHAIRMAN: And he was not present, you say, at the time this incident occurred?

MR. SINCLAIR: No.

THE CHAIRMAN: And he gave what somebody had told him?

MR. SINCLAIR: Crawford who happens to be one of the members of his lodge, I take it, had told him.

THE CHAIRMAN: Did Crawford have a part in the incident?

MR. SINCLAIR: Yes. He was the engineman involved. Mr. Duke was not called by my friend but he was sworn because he wanted to give certain evidence. He came forward and submitted a brief. Then you recall, Mr. Chairman, the Secretary at your direction said to Mr. Duke:

"Do you wish to make a statement or do you wish to be sworn and give evidence?"

The answer was:

"Well, I have a petition here. I am not too familiar with these things. I also have an affidavit and a brief."

THE CHAIRMAN: "Just go ahead, you are not giving your own evidence."

"A. There are four or five incidents; one of them happens to be mine."

THE CHAIRMAN: "The witness had better be sworn."

Then he went on and related some of these incidents.

THE CHAIRMAN: In the one we are speaking about he was giving heresay evidence?

MR. SINCLAIR: Yes.

THE CHAIRMAN: Mr. Smith has made some investigations and he wants to give some heresay evidence. What about that, Mr. Lewis?

MR. LEWIS: I did not lead Mr. Duke. He did not give heresay evidence on my account.

If I thought this was the only incident that would be dealt with I assure you I would not have got on my feet and raised the objection.

THE CHAIRMAN: It would strike me in the first place, although you may not have called this particular witness, am I wrong in thinking it was as a result of a letter from your clients inviting people to attend

that this man gave evidence?

MR. LEWIS: I want to agree with you but I cannot quite on those terms. It was at least in part as a result of my client discussing with the Brotherhood of Engineers and the Brotherhood of Trainmen the possibility of members of their organizations appearing before this Commission to express their views and give any evidence they wished. I do not myself know of any letter to Mr. Duke or to any such person other than officers of his own organization.

THE CHAIRMAN: We will consider this, but at the moment it strikes me this way -- and if you have anything more to say I will be glad to hear you -- that in an inquiry of this kind hearsay evidence is accepted -- admitted rather, and if there is no objection to it then it is a matter for argument. If it is objected to then it still can be admitted at the discretion of the Commission but only for the purpose that it may lead to discovery of the facts.

Now, it is a little late at this stage to consider this question.

MR. SINCLAIR: I would like to say, if I may, that if the Commission feels that it is necessary to have these men come all the way from right across Canada, and there would be many of them -- I mean many -- then of course the Commission would have to issue subpoenas and these men will have to be brought in here, taken off the railroad and brought down here. That is the only way it can be done. They would be put in the witness box and my friend then could have them testify, if he wants to have them testify.

The Canadian Pacific and its officers as I have said, conducted investigations. If a man wished to have his representative present, he could have. Some of them did have.

Surely if I want to find out the facts I call somebody into my office. While they are there I write down their statement. It has been my practice to ask the man to sign it just in case there is ever a situation where, we will say, his memory is not quite as sharp at a later date and I might have to have him as a witness who is perhaps not quite as forthright or as clear as he was when he talked to me the first time.

But in any event that is the practice I follow. I take full responsibility for it.

I certainly feel very strongly about the fact that the word "intimidation" or "dragging up" was used at all. I take full responsibility for saying: Conduct investigations into these instances in the usual way, but do not ask a man who has given evidence in the proceedings under oath to come into your room and be asked whether he wants to change it or wants to elaborate on it or wants to confirm it.

I do not think there is anything wrong with that. I submit that that is the proper way to proceed. It is the expeditious way to proceed. I am in the hands of the Commission. The Canadian Pacific has too much at stake in these proceedings to have anybody feel that they have done anything that was not right.

If the Commission feels in view of what my friend has said that they did something that was not right, I wish them to forget it immediately. May I say that I wrote to my friend and told him what I was going to do.

I have Mr. Smith here and I have other officers who are going to deal with instances. With regard to some of the instances I can say that our investigations show that they did happen substantially as stated. There are some I do not have to deal with because they are clear and I can handle them by argument.

There is purpose in dealing with these

instances. My friend deliberately spent weeks on them and brought all these people before the --

MR. LEWIS: I do not quite remember weeks.

MR. SINCLAIR: My memory is just about as sharp as yours. I think I could call it months.

MR. LEWIS: Go ahead.

MR. SINCLAIR: My friend spent a great deal of time, weeks, months or at times it seemed like years or seemed like years to everybody, I am sure, having people come in and relate instances. They would tell how the fireman was alert, how he was the only alert man on the job, how he saved this man or that man; how he prevented a side-swipe.

Surely that body of evidence should be met?

THE CHAIRMAN: Let me deal with it for a moment. Mr. Lewis, supposing we should come to this conclusion, that certain hearsay evidence has been introduced, not by you, but evidence from which you might take some comfort, may I put it that way. It is objected to on the ground that it is evidence, that it does not correctly reflect the facts. Instead of hearing more hearsay evidence would it not be proper to suggest to you that if you think the incident is important you should bring here the people who

were concerned in it, as they belong to your side of the house, so to speak?

MR. SINCLAIR: With due respect I do not think that that can --

THE CHAIRMAN: I am only discussing the possibility, Mr. Sinclair.

MR. SINCLAIR: There is a fact I think you have overlooked, and that is that my friend had in the court room while these proceedings were going on an adviser who saw that these instances were brought to the attention of the public, and they were brought to the attention of the public.

THE CHAIRMAN: All right, let us not go into that.

MR. LEWIS: I wish my friend would not do it. I could make quite a long speech about the way in which various things that happened here were brought to the attention of the public through direct telegraphic communications from here all across the country to editors' desks by my friend's department. He did not have only the one person.

THE CHAIRMAN: That is not the point I am talking about.

MR. LEWIS: I know, sir. I wish to say two things. First, I think I would have to accept the kind of situation which you have outlined. I never accepted that evidence with regard to instances which came before this

Commission and which did not come out of the files which had existed in the Canadian Pacific filing cabinets for some years. You and other members of the Commission will recall that statements had been taken from employees, and so on. That is documentary evidence of the sort that perhaps I could not object to as it came from my friend's files.

I do not see why the Commission cannot pay attention to that, but I never expected Mr. Duke or anyone else who related an incident and said that he was not there but that is what happened; I never expected that that kind of incident would be received with a great deal of weight by the Commission.

THE CHAIRMAN: Did you really expect it to receive any attention?

MR. LEWIS: Since you put the question directly to me I must say that I did not expect it would receive any attention from this Commission.

THE CHAIRMAN: Then we can dispose of that.

MR. LEWIS: There is another thing I should like to point out as well. In my objection I did not indicate much surprise at the fact that this was hearsay, and for the same reason I do not expect that Mr. Smith's evidence will be given any more weight than I expected would be given to the hearsay evidence

about the incidents.

THE CHAIRMAN: That is the trouble about getting into a battle on hearsay evidence. Well then, as far as you are concerned, you are taking no comfort from that kind of evidence and Mr. Sinclair need not be concerned in answering it.

MR. LEWIS: I have no hesitation in saying that evidence of instances which is merely hearsay, I do not expect this Commission to give it any weight. Unless you can hear the particular man concerned, unless members of the Commission and counsel have the opportunity to question him exactly on what happened, where he was at the time, the conclusion that a witness may draw from something someone else said to him I know would not carry very much weight with the members of this Commission.

THE CHAIRMAN: We are not going to decide the issue on hearsay evidence.

MR. LEWIS: My objection was directed-- I am sorry if it hurt my friend, because certainly I did not want to do that -- more to the investigations which took place.

THE CHAIRMAN: Perhaps we are not concerned as far as the hearsay evidence is concerned and now Mr. Sinclair does not have to deal with these instances or anything else of the kind.

MR. SINCLAIR: No, sir. In the

light of what Mr. Lewis says, any witness who was not there himself and was not personally engaged -- that includes quite a number of people, including those who wrote briefs and also --

THE CHAIRMAN: You will deal only with those that are challenged.

MR. SINCLAIR: We have also investigated in this way instances in which the men who gave evidence were there. Let me give you an example. A man says, "Such and such occurred." He would be asked where the ground crew was and he might reply that he did not know.

I am just thinking of Mr. Wade, who was General Chairman of the firemen's organization on the Milwaukee. As I recollect it, he referred to two fires, but he gave certain evidence.

HON. MR. McLAURIN: He was from Toledo.

MR. SINCLAIR: From Chicago.

THE CHAIRMAN: If I might interrupt you at the moment. I want to be clear on this. There are particular instances which you want to open up with this witness, Mr. Smith, but Mr. Lewis says he is content to dismiss that.

MR. SINCLAIR: That is one.

THE CHAIRMAN: All right. This record is full of hearsay which Mr. Lewis did not object to at the time and which you did not

object to at the time.

MR. SINCLAIR: Because I did not think it was proper to use it.

THE CHAIRMAN: We did not object to it. It would be a terrible job now to read this record and try to sift out what is technically wheat and what is technically chaff. It seems to me that we dealt only with the one case. Perhaps we could take up another case of a different type, consider that and possibly arrive at some principle.

You were starting to deal with a different type of case where the witness who had been concerned in the occurrence had given evidence about it. Now you have had that occurrence investigated by Mr. Smith and Mr. Smith now wants to give evidence about what he found.

MR. LEWIS: May I interrupt, as I think perhaps it will save time. I have been sitting back and thinking about this. The same thing has happened this time as happened before in my experience, and I am sure in the experience of others. The argument we are having perhaps is taking longer than would have been taken in giving the evidence.

I registered the protest which I was instructed to register with regard to the way in which these inquiries were made by the company officials. We have had some

discussion about hearsay evidence. Perhaps the witness will give evidence in such a way that it may be of assistance to the Commission.

As you have said, there is a mass of hearsay evidence on the record. I think it may be of greater assistance to this Commission if I just left my objection stand on the record, if I just left my objection against the way in which the inquiries were made stand on the record and withdrew my objection to the hearsay part of the discussion. I do so, if that will assist you.

THE CHAIRMAN: That leaves your instructions as to how this evidence was obtained on the record. Mr. Sinclair has already indicated he does not agree with that. If you wanted to substantiate that in any way you would have to do it, or perhaps you would want to argue that. We will go on from where we are now.

MR. SINCLAIR: I take it that my friend will be concerned also with some instances which are based on hearsay and he may want to argue about those or he may not.

THE CHAIRMAN: Let us just go ahead. Mr. Lewis has made a protest about the conduct of your company which so far is based only on his statement.

MR. SINCLAIR: On what he was instructed.

THE CHAIRMAN: That is what I mean.

BY MR. SINCLAIR:

Q Mr. Smith, do you remember what Mr. Duke said happened on May 1, 1957, at Track 10, kicking cars and running back. There was Fireman Zeznik and Switchman Crouse. Do you remember what was said about that?

A Yes, sir.

Q I think you got to the place where you said this matter was investigated, and then we had a slight pause. Will you start again? This matter was investigated?

A This matter was investigated and the employee with whom the investigation was conducted did not wish a representative of his organization.

Q Was he asked whether he did?

A Yes, he was.

Q Who was he?

A Yardman Crouse and Yard Foreman G.V. Lane.

Q As a result of the investigation what was developed?

A Yardman Crouse was the man who cut the car off. In Regina yard at this location the cars usually --

Q Did the investigation establish that they were doing switching at this time, that the names given to the Commission by the witness were correct and that other details were correct?

A They were correct.

Q Go on.

A As I said, cars usually that are kicked into this track will stop of their own accord and stay there. However, on this occasion there were some section men had been working on this track and when the car was kicked in it did not stop, it continued to move. Yardman Crouse said in his statement that he and Foreman Lane both observed that this car did not stop and for this reason they watched the car. Subsequently Crouse gave a stop signal to the engineman and walked over and applied the hand brake on the car and stopped the car clear of the lead or clear of any fouling point.

Then they continued with their switching and they attributed the fact that the car had not stopped to the fact that yard section crew had been working on the track and had probably changed the elevation slightly.

Q You say that Yardman Crouse said that he gave a stop signal to the engineman. What happened to the movement as a result of that signal?

A He stated that when he gave the stop signal the engine was stopped.

Q Would it have been possible for the

fireman to have yelled to the engineman as well, in your opinion?

A Oh, yes, certainly, but he did not avert any accident.

Q The fireman did not?

A No.

BY THE CHAIRMAN:

Q He might have, put it that way.

A Yes, that is right, but it was the yard crew.

BY MR. SINCLAIR:

Q Mr. Duke also spoke of an incident on June 4, and this is to be found at pages 8077 and 8078 of Volume 58. His evidence reads:

"I am assigned to a 23-K Avenue yard and had on this date diesel engine 7019. At approximately 6.30 we had to take a car of meat to Canada Packers. Approaching public crossing at Dewdney Avenue just west of Broad Street with bell ringing I sounded whistle signal, two long, one short, one long, and brought engine to a stop. Switchman riding front of engine gave me signal to proceed, when I then started to move engine ahead Fireman F. Chapman shouted to me to stop at once. A Buick car, licence Saskatchewan 511

"drove across in front of us without
even bothering to stop for slow-
down."

--

Then he went on to say:

"If Fireman Chapman had not been so alert we would have had a bad accident."

My cross-examination, which is at page 8082, Mr. Duke said there were three yardmen on the front of the engine, and one of them signalled him to stop. Have you investigated that incident, Mr. Smith?

- A. Yes, that matter was investigated, and on questioning the yard crew it was stated that Yard Foreman Sutherland himself was riding on the front side step on Engineman Duke's side, and was the man who gave the signal. For that reason a statement was taken from Mr. Sutherland, in which he was asked if he wished a representative of the Brotherhood with him, and he said he did not.
- Q. He gave what signal; that Duke referred to as "stop" in the first place?
- A. No, to proceed. He said as they approached the crossing the other two yardmen were standing on the front of the diesel, and he, referring to Yard Foreman Sutherland, saw this Buick car coming, and the movement was at a slow rate of speed. It was his opinion that it had seen the engine and heard the whistle, and would stop clear.

For this reason Yard Foreman Sutherland gave a proceed signal.

As they got closely into the crossing the Buick car suddenly speeded up and switched slightly toward the other side of the crossing, and passed in front of them. Yardman Sutherland claims that immediately he saw the Buick car doing this he gave a wash-out of the stop signal, to Engineman Duke, and the movement was stopped clear of or before reaching the point at which the Buick car passed.

--- Recess.

--- Upon resuming.

MR. SINCLAIR: Mr. Chairman, the next instance I wish to refer to is an accident at Campa Sub, near Toronto. It was referred to by Trainman Sheflin. Mr. Sheflin was on the stand. The Commission will recall I made much of the fact that I had been requested for the file covering this situation by my friend Mr. Lewis, and I had given it to him. Frankly, I was surprised to hear evidence given in regard to it.

When Mr. Sheflin was on the stand I did not have the file with me. My friend said he had returned it to me, and he had done so. I wish to put on the record what Mr. Sheflin

said took place. This is at Volume 53, pages 7569 to 7571. My cross-examination appears **at 7572 and following pages.**

Mr. Sheflin described this accident which took place in 1956, on Campa Sub. He said the train had been stopped at the signal governing the movement into the C.N. track; it was controlled by a tower signal. It was standing about four car lengths from the crossing, when the tower signal was received to proceed, and the train moved about 2-1/2 to 3 car lengths, said Mr. Sheflin. When the fireman saw the automobile approaching from his side he **shouted to the engineman to stop.** The car was hit. Mr. Sheflin said it would have been more serious if the train had been going faster.

I asked him whether the engineman had not put on the brake at the time the fireman shouted; he said **no**, that was my statement - that the fireman **shouted**, and that is when the brakes were put on.

Mr. Smith has looked at this file, and he has taken from it two statements of the Engineman Fox, and also of Sheflin. That was the file that was in the hands of the Brotherhood for some time.

I would like to file first as Exhibit 333 a statement made by Engineman Fox.

EXHIBIT NO. 333: Statement by
Engineman Fox.

This is an investigation that was conducted at the time; so that you may have both statements before you, I will file as Exhibit 334 a statement by Head End Trainman Sheflin.

EXHIBIT NO. 334: Statement by
Head End Trainman
Sheflin.

BY MR. SINCLAIR:

- Q. Now Mr. Smith, would you look at these statements, Exhibit 333 and Exhibit 334 and say whether they are copies of statements that were on file?
- A. They are.
- Q. What part of Engineman Fox's statement do you wish to draw to the attention of the Commission?
- A. I would like to read the third paragraph, Mr. Sinclair, which says:

"Fireman Shultz was sitting on the fireman's seat, and just as he started to shout to me I saw the headlights of a motor vehicle approaching from the east about 100 feet from the track, travelling at high rate of speed, and as there was no attempt being made to stop that I could detect I made emergency application of brakes, and stopped

"with front of diesel unit approximately 10 feet over the road.

The automobile had crossed in front, and was stopped approximately 60 feet west of the track. I left engine bell ringing and went to the car."

I would just like to read a portion from Trainman Sheflin's statement.

Q. That is Exhibit 334?

A. That is Exhibit 334. It appears in about the centre of the first page, and reads:

"I was on the engineman's side of the cab to double check the signal indication on the approach signal, and was in the act of returning to the left side of the cab when the fireman said 'Soak her - this fellow is not going to make it.' At that instant brakes were applied in emergency, and we stopped in a matter of approximately 10 feet south of the centre line of the travelled portion of Horner Avenue."

Q. As an officer with considerable experience in these matters, what is your comment on that?

A. I believe those paragraphs, Mr. Sinclair, point out that the engineman had observed the movement of the automobile and applied his brakes at the same time as the fireman shouted.

BY THE CHAIRMAN:

Q. I suppose these statements were taken shortly after the incident occurred?

A. Yes sir. The statement of Mr. Fox was taken only on September 1st, 1956 -- no, I beg your pardon.

Q. The accident did not happen until September 2nd?

A. Yes, the accident happened on September 2nd, 1956.

MR. LEWIS: Mr. Chairman, I know about this, and I know the way these things are taken. I am sure the statements were taken in shorthand.

THE CHAIRMAN: Yes.

MR. LEWIS: I do not question that at all.

BY MR. SINCLAIR:

Q. The next instance to which I wish to make reference is found in Volume 57 at pages 8043 to 8046. Fireman Good said that on February 21, 1957, while approaching mileage 28 at Tache, he saw a woman approaching the crossing carrying a log. Tache would be near Kenora.

He saw a woman carrying a log of wood approaching the crossing. The engineman had stopped below the whistle about 20 car lengths before reaching the crossing and he the engineer to said to/sound the whistle and when he was about four or five car lengths from the crossing the woman jumped back. Good said the trainman was checking the train on the left hand curve and watching for two exchange signals with the tail-end and suggested he was there but not in a position to see the woman who was, according to Good, afoul of the movement. What about that incident?

A Perhaps if I read from the statement taken from trainman Craig the next day.

Q Let me file that as exhibit 335.

EXHIBIT NO. 335 -- Statement of Trainman D. D. Craig, in connection with incident occurring at Tache, Ontario, on February 21, 1957. Taken by assistant superintendent P. A. Maltby on July 2, 1957.

You say this was taken from trainman Craig the next day? The next day from what?

A The incident occurred on February 21st.

Q Statement was taken the day after it was drawn to the attention of the company.

Is that what you mean?

A Yes.

Q Or shortly after. It says here:

"Taken by Assistant Superintendent P. A. Maltby on July 2, 1957."

That is after it was drawn to our attention in these proceedings?

A Yes, sir.

Q "Others present: none." Next line:

"I have been properly advised of the purpose of this investigation and waive representation."

What representation was that?

A That means the employee does not wish to have a representative of the union with him.

Q What part of this statement do you wish particularly to draw to the attention of the Commission?

A Two portions, sir. On the first page about half-way down it states:

"I watched the woman and at first it appeared that she would stop clear of our movement as she hesitated momentarily when stepping over south rail of westward siding and I thought she had observed our movement as she appeared to turn toward our engine at about the time

"she hesitated in her movement over the westward siding. However, she did not stop and continued to move towards main track and at this time both fireman Good and myself shouted to engineman Robertson, who sounded the engine whistle and the woman then stopped."

On page two the question is asked of trainman Craig:

"Did your fireman call to engineman before or after you, to warn of woman near the tracks?

A. He called at the same time as I did and as I called I also gave engineman hand signal to indicate necessity of whistling to avoid any confusion on his part."

Q Engineman Gwynn gave evidence in volume no. 58 at pages 8106 and 8107. This was information which had been given to him; he didn't state by whom. What Gwynn said was, and he made reference to way freight train 80, engineer Huff was lifting a car at Guernsey and he had a student trainman riding on the side ladder. The student trainman was not aware of the restricted clearance between the engine and the loading platform, that would be the stock loading platform. According to the

information the fireman shouted to engineman Huff and the student trainman climbed up on to the step at the back of the tender in order to clear the platform. Have you any comment on this incident?

A This incident occurred as stated. However my instruction is that the regular head trainman had warned the student about platforms and stock loading shutes and so on.

Q What I want to point out in bringing this up for the information of the Commission is this was a steam engine, but for the record could the student trainman have been in the position he was in on a diesel?

A No. This was a way freight and the type of diesel locomotive that handles way freights could not have a trainman in this position. He would have been on the side steps or the end platform.

Q Does that at any time follow the stock loading platform?

A No. He would be clear of the platform.

Q Engineman Gwynn also gave some evidence about a situation at Yorkton. He said this information was given to him by someone else and he related the information as he had it to the Commission. On May 16 --

this year, I take it -- at the Broadway Avenue crossing at Yorkton, fireman McKinnon saw the train 72 and a girl about five years of age wander up to the track from the left side and McKinnon shouted to engineer Swedberg who made an emergency stop. This is in volume 58 at page 8109. What about that incident?

A Engineman Swedberg on this date was operating a steam engine on which the head trainman was situated behind the fireman.

Q Just a minute. I think I should put this in as Exhibit 336.

EXHIBIT NO. 336 -- Statement of E. H. Swedberg in connection with movement of train 72 through Yorkton May 16, 1957. Statement taken by E. N. A. Sewell at Wynyard on September 28, 1957

Is the copy filed as exhibit 336 a copy of the statement taken from engineman Swedberg and signed by him?

A Yes it is.

Q The statement as the Commission will note starts off:

"Q Do you wish the presence of a fellow employee?

A. No.

Q. It has been brought to light

"that on May 16, 1957, a little girl was on or near the main track at Yorkton as train 72 pulled into the yard from the west. Do you recall this incident?

A. Yes."

What part of this do you wish to draw to the attention of the Commission.

A I believe I should read this portion:

"I was operating the engine. Fireman McKinnon (a Regina man) was in his seat on left side of cab and trainman J. Lazarenko was also in his seat on left side of cab. As engine approached Broadway Street crossing at a speed of about three or four miles per hour both trainmen Lazarenko and fireman McKinnon shouted to me to stop."

Q The rest of the statement speaks for itself. Now, engineman Gwynn said that the members of the engineman's organization at Saskatoon -- this is volume 58 at page 8111 -- wanted firemen because there is an "S" curve going out of Saskatoon from the Canadian National transfer which they work over a Canadian National diamond and public crossing coming together at 33rd Street and Second Avenue. Gwynn said

in making this movement the switch crew would have to be a considerable distance on both sides, whichever side the engine happened to be headed making this movement, and the engineers feel there should be some protection in watching the board. He said, this is a low dwarf stop board protecting the Canadian National diamond and also for going over this crossing at 33rd Street and Second Avenue. Now, what is the comment on that situation?

A Well, Mr. Sinclair, I believe that engine-man Gwynn must have been referring to a steam engine when he talks about this switching because yard engines normally in serving this location are headed west and with the yard engine headed west the signal from an easterly yard engine could be seen at all times coming out of there.

Q You mean they come in cab back first?

A Yes. If the engine is headed east which is not the normal way the signal cannot be seen until you are about 100 yards from it but I would like to point out that the yard engine is moving at yard speed and there is certainly no difficulty whatsoever of the engineman watching the signal.

Q When you say the signal cannot be seen until you are 100 yards from it that is the signal cannot be seen by the engineman?

A That is correct.

Q But from 100 yards on what is the situation?

A From 100 yards on the engineman sees the signal clearly until he has passed it

Q Now, the Commission has heard evidence from Conductor White from Calgary. During his testimony he gave evidence about an accident occurring to himself in 1949 at Kananaskis which is west of Calgary. This is to be found at volume 58, page 1825 and I also asked him a few questions in regard to

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it in the same volume at 8131 to 8133. Shortly, the situation as he described it to the Commission was this: he said in March, 1949 he was thrown from a car at Kananaskis when the hand brake which he was applying released and he said that the fireman was the only person in position to see him fall and he credited him with having saved his life. That was in 1949. What is your comment on that or what were you able to develop on that?

Well, I looked up and read the file, Mr. Sinclair, in this regard and as you have pointed out this is about eight years ago and I believe trainman White's recollection eight years ago would be a little clearer than it is now and for that reason I would like to read from his statement.

Q Which was taken at the time, in 1949?

A This statement was taken on April 7, 1949.

MR. SINCLAIR: That will be Exhibit 337.

EXHIBIT 337 -- Photostatic copy
of statement signed
"G.E. White" dated
April 7, 1949.

BY MR. SINCLAIR:

Yes, Mr. Smith?

The part I would like to read is:

I do not think there were any
witnesses to the accident but other



" crew members came to my assistance immediately after I fell."

Q Were there any statements taken from other members of the crew at that time?

A Yes, there were. There were no statements taken from the engine crew because they were not witnesses, so I am instructed.

Q And you have looked at the file?

A That is right.

Q And there is nothing in the file?

A No.

Q You are saying in the light of his statement they did not question the engineman nor the fireman?

A That is right.

Q Exhibit 337 that I have filed, is that a correct copy of the statement that was in the file?

A Yes sir, it is.

Q Now, there was evidence given by Fireman Skoberg at volume 58, pages 8142 to 8145 and this is a different type again. On this occasion Fireman Skoberg said on March 30, 1957 on a trip from Broadview to Moose Jaw the train was pulling into the siding at Regina and they pulled into the siding and then backed down the main line to set some cars off. He said this was double track territory and when backing

down the east main track he, Skoberg, saw a slab of wood eight feet long and three to five inches thick on the westward main track and he said at that time a westward freight train was about a quarter of a mile away and he went on to say that the conductor and the tail-end man were back at the tail-end of the train just after they had headed in and their head-end man was riding the lead car. Skoberg said that if he had not removed the slab of wood from the track there would probably have been a derailment of the westbound through freight train. What is your comment on that situation, Mr. Smith?

A Well, I do not believe, Mr. Sinclair, that a slab of wood would derail a freight train. To start with this is tangent track at this location, 100 pound rails and I have seen many, many cars let alone locomotives go over slabs and I can recall instances of even ties having been placed on the track and they were knocked off without causing a derailment.

Q If this train had hit this slab what in your opinion, would have happened?

A It would have been either run over and broken or knocked clear.

Q Do you think the action of Fireman Skoberg prevented a derailment or whatever he suggested?

A No, I do not think so.

Q Now, Fireman Leleux, this is at volume 58, page 8148 to 8151 and he has spoken of an accident at Gleichen which occurred in March, 1957. Leleux said in March, 1957 when they were picking up cars at Gleichen on the westbound freight train (Medicine Hat to Calgary was their run) he was running an engine and engineman Splane was on the fireman's side. Two cars attached to the end of the train and the movement was made to move some other cars, the signals being given from the fireman's side by the trainman on top of the car. Splane called to Leleux to stop the train, that a trainman had fallen from the top of a car. Was this investigated, Mr. Smith?

A Yes, it was investigated right after the occurrence.

MR. SINCLAIR: And I wish to file the statement taken at the time, that is, February 18, 1957, first from engineman Splane who was at that time acting as fireman as Exhibit 333.

EXHIBIT 338 -- Statement signed
"W.R. Splane"
dated Medicine Hat,
Alberta, February
18, 1957.

And Conductor Mathieson's statement
of February 10, 1957 as Exhibit 339.

EXHIBIT 339 -- Statement signed
"D.T. Mathieson,"
dated Medicine Hat,
Alberta, February
10, 1957.

BY MR. SINCLAIR:

Q Just starting at the statement -- I am
reading 338:

" Q Have you been notified as
to the nature of this investigation?

A Yes.

Q Do you wish the presence of
a fellow employee?

A No.

Others present: nil.'

And this statement was taken on
February 18, 1957 investigating the situation
that occurred in which a trainman was
injured. Now, we will deal with the
engineman acting as a fireman, Splane
and what part of Exhibit 338 do
you wish to call to the Commission's
attention?

A Well, engineman Splane's statement, I
would like to read the following quote:

The coupling was made and
Jackie was still on top of the car ...

Q Who was Jackie?

A He was the trainman, sir.

Q The trainman of the haul?

A That is right --

..... was still on top of the car as the slow movement was continued toward the other car. He moved and I noted a downward movement of his arm going out of my line of sight, but did not see anything to let me know that he had fallen. The movement continued for a few feet when I saw the tail-end trainman who had been checking the car toward which we were moving give a stop signal and I called to Leleux and the brakes were applied to bring the movement to a stop."

Q And Exhibit 339?

A The statement of Conductor Mathieson, I would like to read:

" Rear trainman A.J. Neilson was examining journals on a load which we were to lift. This car was about four car lengths further east in the track. I glanced over toward Neilson and as I looked again at the movement ahead I saw that trainman Jackie had disappeared from

" the top of other cars. I shouted and gave stop signals immediately. I had heard trainman Jackie shout as he fell. Neilson had also heard the shout and gave stop signals as I did."

Q That is a place where, according to the evidence of Leleux, the signals were being passed on the fireman's side?

A That is correct.

Q Are they now being passed at this location on the engineman's side?

A On the engineman's side, yes sir.

Q And what point do you make out of this statement, Mr. Smith?

A Well, I would like to point out that although the fireman lost his view of the one trainman who was giving the signals he did not do anything until he received a signal from his mate or from the trainman's mate, the other trainman and it was at that time that Splane shouted to the man running the train and also I would like to point out that if the signals had been given on the engineman's side in the proper manner he would have immediately seen them.

Q The reaction in your opinion would have been faster or would it not?

A The reaction would have been faster.

Q When?

A On the engineman's side.

Q Now, Fireman Pasternak

MR. LEWIS: Just for information, this Exhibit 338, I cannot see anywhere where it says the engineman was actually acting as a helper and the helper was the engineman.

THE CHAIRMAN: It is so stated.

MR. LEWIS: In the exhibit?

THE CHAIRMAN: Yes.

MR. LEWIS: Oh yes, I beg your pardon.

MR. SINCLAIR:

" Leleux was handling the unit and I was on the seat on the left side taking the signals from the train crew."

MR. LEWIS: I am sorry, I did not see it.

BY MR. SINCLAIR:

Q Now, Fireman Pasternak gave evidence at volume 58, page 8512 to 8517 concerning an injury to a trainman at Tilley. Tilley is in ...

A Alberta.

Q This accident occurred on January 23, 1957. Pasternak said that on January 23 while they were backing a car out at the elevator track he, Pasternak, said the head-end trainman was riding on top of the car and

sending back-up signals to the fireman to couple up the cars. Pasternak said he saw a lamp fly out into space and told the engineman to stop. Was that matter investigated at the time?

A Yes sir it was.

MR. SINCLAIR: I would like to file as Exhibit 340 the statement of Trainman Deering dated February 7, 1957.

BY MR. SINCLAIR:

Q That was taken from the files of the company?

A Yes.

Q Is it a correct copy?

Yes sir, it is.

EXHIBIT 340 -- Statement signed by E.E. Deering" dated at Medicine Hat February 7, 1957.

Q What part of this statement do you wish to quickly draw to the attention of the Commission, Mr. Smith?

I would just like to read a few lines:

" I was in the position"

This is trainman Deering's statement --

" I was in the position to make a joint about four car lengths away. I had seen his lantern as he started down. I glanced back in the track and as I looked around

" again, VanClief's lantern had disappeared. I gave stop signals and the movement stopped immediately."

Q Now, on the basis of that what is your comment?

A Well, I would point out, sir, that this is another occasion where one crew member is looking after another; in other words, he is looking after his mate and observing his movements etcetera.

Q What do you mean by that? I think we had some expression like that in White's statement, that the practice was of the conductor and trainman to watch each other when they were switching to make sure they were not in difficulty.

A That is so.

Q And you are saying the same thing?

I That is correct, sir.

Q And this is an example, you say, of that?

A That is correct.

Q Anything else you wish to comment on there?

A Well, this is another case if the signals had been given directly to the engineman quicker action would have been taken.

Q Now, Fireman Brennen gave some evidence in volume 58, pages 8166 to 8170 concerning an accident at Coleman, Alberta

where there was a man trying to get into an empty box car. He said that on June 12, 1957 just shortly before he gave evidence that while they were making a pick-up movement in Coleman, Alberta on extra 5243 west, fireman Brennen saw a man attempting to crawl through the train and told the engineman not to move. Later as the train attempted to back up Brennen saw the same man attempt to climb into a box car and fall back underneath the car. He told the engineman to stop. He said he was in the act of climbing down from the engine when he saw the conductor coming up on his side to take charge of the man. Brennen said according to the conductor the man smelled very strongly of alcohol. Has that matter been investigated or looked into?

A Yes sir. This matter has been looked into.

Q What were the facts developed?

A I have found that this intoxicated trespasser had been originally seen by the conductor and had been warned by the conductor that he was to stay off the property and the movement was stopped until he went from the property. However, it is quite evident that he returned a short time later.

HON. MR. McLAURIN: The moral is don't

drink if you have anything to do with the railway.

MR. SINCLAIR: The moral, if I may say so, so that I and my friend Mr. Lewis won't be included is do not drink if you are subject to duty.

HON. MR. McLAURIN: This fellow was not on duty.

MR. SINCLAIR: That is all I have of this witness, Mr. Chairman.

BY MR. LEWIS:

Q Mr. Smith, I will not keep you very long. First, what kind of weather did you have when you were at Didsbury?

A We had very nice weather, sir.

Q It would happen, Mr. Chairman. You didn't find any ice when you were there?

A No, not the last time.

Q Do you remember the rain we had when we were there with the Commission?

A That is right, I do.

Q What made you say with regard to the last exhibit, Mr. Smith, Exhibit 340 that if the signals had been given direct to the engineman there would have been quicker action? What do you mean by that?

A Well, sir, naturally if the signal had been given to the fireman, if I am referring to the right one, the fireman then either has to turn or give the

signal to the engineman and there is a lapse of seconds in there.

Q You filed a statement, Mr. Smith, and the statement says, and you read it:

" I gave stop signals and the movement stopped immediately."

A That is right.

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Well, in view of that what would cause you to make the statement that the reaction would have been quicker? What is the significance in making that statement, Mr. Smith?

A I repeat again, sir, that my experience shows that when signals are given directly to an engineman they are acted upon more quickly than they are going to be through someone who might be called as has been said a floater or soaker or whatever it is.

Q You gave a statement from previous experience that it is a little better to stop immediately than instantaneously?

THE CHAIRMAN: I believe that is a little better than "immediately".

MR. SINCLAIR: He said if he gave the signal.

THE WITNESS: The engineman did not stop the train until after he got the signal from the fireman.

BY MR. LEWIS:

Q. This is a statement by the trainman, isn't it?

A. That is right.

Q And it is the trainman who said:

"I gave stop signals and the movement stopped immediately."?

A That is right.

Q It has nothing to do with the fireman transferring signals or anything else.

He gave the statement that the movement stopped, that is his statement?

A Yes.

Q And that is all you know about it?

A That is all I know about it.

Q This incident by Mr. W. A. Duke on June 4, 1957 where Duke himself was there and Duke was the engineer?

A That is right, sir.

Q And you say you developed information from yard foreman Sutherland who was one of the crew?

A Yes, he was the foreman.

Q And in his statement he saw a Buick proceed slowly and when he saw it would not stop he gave the engineer the wash-out signal?

A He first of all gave Mr. Duke a proceed signal and when he saw it was not going to stop in his opinion he then gave Duke the stop signal.

Q But Duke in his evidence, you remember, gave no reference to receiving the stop signal from Sutherland or anyone else?

A That is right.

Q Assuming Mr. Duke was telling the truth because he was giving his evidence very shortly after the incident happened, assuming he was telling the truth you would assume, would you not, that as far as Mr. Duke is concerned there was no stop signal given or at least he didn't see it?

A I would not challenge what he says. That is quite correct.

Q He may not have seen the signal by yardmaster Sutherland but yardmaster Sutherland said the movement stopped immediately after he gave the stop signal?

A Yes.

Q I was interested in exhibit 332 about the snow and so on -- charges to accounts. What did you say the significance of the last column "Average cost per mile" was?

A I believe what I said, Mr. Lewis, was that the average cost per mile to clean track of snow, ice and sand in British Columbia, for instance, during the year 1950 was ^{per} \$308/mile whereas, for instance, on the Quebec district it was \$455 a mile and I went on to say that during each of the six years comparing Quebec district with British Columbia district the charges or the costs of cleaning are more in Quebec than they are in British Columbia.

Q What really struck me about this, Mr. Smith, and I would like your opinion on this without taking too much time -- look at the figures with regard to the Dominion Atlantic Railway?

A Yes.

Q I notice in 1953 the total charges were only \$5,300 in round figures?

A Yes.

Q Whereas in 1952 it was \$67,300, in 1951 it



was \$16,700 odd?

A No, I would not say it was odd.

Q No, I mean \$16,700 odd?

A Oh, I beg your pardon.

Q Would those differences from \$16,000 to \$67,000 to \$5,000 -- do you suggest that those differences would indicate a difference in the snowfall in those years between 1951, 1952 and 1953?

A Well, it is pointed out, Mr. Lewis, this does not only include snowfall, this includes putting away snow fences and putting up snow fences, cleaning the tracks of snow and ice and for all the years -- I never lived on the Dominion Atlantic Railway but I understand they get a great deal of **rain** which makes it hard to pick the ice and so on.

Q If my memory serves me right, something to do with repair of equipment or purchase of equipment, I have not a note of it?

A Well, purchase of tools to combat the snow, picks and shovels. Perhaps I can read this if you wish. I have what the accounting covers if you wish.

Q Yes.

A. "This account shall include the cost of keeping track and roadway clear of snow, ice and sand.

It shall include cost of preventing accumulations such as the cost of distributing, setting up,

"inspecting, taking down and re-gathering portable snow and sand fences; and cost of tools furnished for the purpose; also cost of storing fences.

It shall include cost of removing accumulations of snow, ice and sand, cost of snow-plow and flanger services, and of work-train service, cost of applying and removing flangers from locomotives and cars and of slatting pilots; cost of salt to keep switches clear, and cost of meals and lodgings for men employed on the removing service".

Q The same question, for example if you go to -- I am skipping just to take some examples -- go to the Quebec district. In 1951 you had an expenditure of over \$1 million. In 1952 it was only \$825,000 or so, in 1953 it was as low as \$435,000 in 1954 it was again up to 1953 and in 1955 up to \$979,000. Would those differences indicate necessarily any difference in the amount of snowfall or sand interference?

A No, but I would say, sir, from what little I have lived in Quebec that the difference would be in the type of winter, that is, whether they had these sleet and ice storms or just snowfall.

MR. MARTINEAU: It couldn't be that. If you look at the Quebec Central Railway in 1955 it is the highest.

MR. LEWIS: Just the opposite.

THE WITNESS: Well, if I may put it this way, on the Quebec district you have some yards which, of course, cost more man-work than you do on the Quebec Central Railway.

MR. SINCLAIR: I didn't understand about the Quebec Central, sir.

MR. MARTINEAU: The Quebec Central in 1955 had \$929,574 which was the highest year and it is not the same for the Quebec district.

MR. SINCLAIR: It is very close. One is pretty near \$1 million.

MR. MARTINEAU: But if you compare it to the other years.

MR. SINCLAIR: That is so, of course, as we know, one runs from Sherbrooke north.

MR. MARTINEAU: Certainly, they have some bad storms in that part of the province.

BY MR. LEWIS:

Q Let me take you to Manitoba. In 1955 I notice \$723,000, - / ^{almost} \$724,000 and in 1954 only \$425,800 some odd.

A I can speak with a little authority there, Mr. Lewis. During 1955 in the spring there were some bad storms on the prairie in Manitoba. I can recall that they had some heavy snow expenditures that spring.

Q Some bad snow storms in the spring?

A I would not call them bad snow storms but they had more than average snow.

Q And that would account for that in Manitoba, would it?

A I would say so, yes, and it would also account for the fact that 1955 was so much higher than 1954 in the Saskatchewan district.

Q You were on the prairies, were you, in 1952?

A No, I was at Revelstoke, but in 1955 you will notice Alberta is also higher for the same reason.

Q I take you to British Columbia district and there were less storms in 1955 in British Columbia, I would gather from the figures?

A Well, I was not living in British Columbia in 1955 but I know this much, it was not one of their heavier years

Q The snow in British Columbia, in some parts of the province there would be very, very little snow, isn't that right?

A That is correct.

Q On the coast, your Cascade subdivision, if I have got the subdivision right?

A Part of the Cascade, right.

Q There would be very little snow?

A Part of the Cascade.

Q The snow would be concentrated in British Columbia in certain parts

of the province over which your railway runs?

A That is right.

Q On the prairies, for example, you would have snowfall very nearly all across?

A It is more general.

Q The same thing would be true in Ontario and Quebec as well, would it not?

A Well, I am not given to understand that although I have not lived here but I understand, for instance, that Ottawa and Quebec are in what you might term the snow belt where the snow is quite a bit heavier, for instance, than at Toronto.

MR. SINCLAIR: You would accept that?

MR. LEWIS: Yes.

THE WITNESS: You come from Toronto?

BY MR. LEWIS:

Q I can do better than that; I was brought up in Montreal, lived in Toronto and now am in Ottawa, so I can speak on the whole three. In any event, the figures in 332 cover the items which are on the record and you would agree with me that those figures are not necessarily an indication of the snowfall or snowslides alone?

A The figures indicate the cost of removing

snow, ice and sand.

Q And in the cost go the tools, equipment and meals?

A That is right.

Q I think we are nearly at my last question. These times that you gave, Mr. Smith, in the various exhibits where you made switching tests, take for example 324 and 325. May I, Mr. Chairman, with your permission, say to the Commission that my friend was quite right when he said that he sent this material to me because my secretary told me over the long distance telephone on Friday but I have not heard since Friday and I had not seen it until my friend filed these exhibits so I have not had the advantage which he intended me to have of greater and wider knowledge.

Mr. Smith, these times that you indicate as to the various tests that were taken and how long they took, do not represent more than some simulated move?

A That is correct, sir.

Q For example, in the case of Exhibit 324, the test was, you took the diesel locomotive, headed west and 41 cars were taken west on the westward main track, back to the west switch and backed into the siding a sufficient distance and

simulated setting off the 41st car.

You didn't take the car off?

A No.

Q You didn't make the move where you took the cars you had attached to your engine back to your train or any of those things that would have to be done in a switching move?

A No, that is correct. What I tried to do was Conductor Sanders said setting off the 41st car; in other words, he said this was a bad order and when you set off a bad order all you do is set it off. We started the test at Winnipeg at the same point and ended up at exactly the same point. If I can back a car into a

siding I can certainly pull the pin on it.

Q Mr. Smith, I am not trying to enter into an argument with you. I am trying to put on the record the significance of your times. Perhaps I can illustrate better if I go to the next exhibit, 325. There you wanted to set off the 25th car, is my memory right?

A That is right, sir.

Q You had to do it in two cuts and you explained why because of the rock cut and so on and I think you told my friend it would have to be done in two cuts even if the signal were given to the fireman?

A That is correct.

Q What you do there, you take the first 13 cars and you backed eastward into the siding sufficient distance to simulate setting off the 13th car in that track?

A That is right.

Q And the times which you show are the times which it had taken to back those 13 cars into that track and give the signals, backed, but it does not take into account -- I am just trying to get what the facts are. Correct me if I am wrong. If you were doing the full job you would cut off at the end of the 13th car, you would pull the 13th car and back that in, then you would have to cut the engine off, run the engine back to your train, couple it on again, then cut off the 25th car which would now be the 12th car in this cut, pull that down and back it down and cut off your 12th car, set it off, then pull the remaining 11 cars forward, **back** them onto the train and engine, take the engine back to the first 13 cars you had set out and back them onto the train. You would have to put the train back together again, wouldn't you?

A When I put the train back together it

doesn't matter to me whether I have the 13th car at the head-end or the 13th at the back; in other words, when you went back with the 12 I would take the 13 first and then the 12.

Q Yes.

A Then I would just couple on and pull them out the way they were.

Q You would take the 11 that were left on the second run and couple it onto the 13 and push all the 24 cars back to your train?

A If you could give signals you would do that, but in this case you could not.

Q So I was right then, you had to use two cuts?

A Yes.

Q When I am right you should let me be happy about it. But all those moves and the time involved in all of them are not in here at all?

A Not in this case, no, and the reason for that, sir, is if I can get into the tangent track on the siding there is no arrangement to give the signals to anyone. Once you are over the siding switch you then have straight track.

Q You said not in this case. The fact is in all the times in all the exhibits here the switch tests are related really

to these signals coming and the particular move there described and not to the total job that would have to be done, is that not right?

A They are related to the signal coming that would have to be done and the time of each movement is exactly the same as the other. I had started at the same place and ended at the same place.

Q If I understand correctly what you are now saying, the comparison in time as between one move and another is based on precisely the same move?

A That is right, sir.

Q So their relative position is the same?

A The same.

Q And you are suggesting, I suppose, that if you cover the entire job, all the moves in it, there is no reason to assume that the relative times would be relatively different?

A That is correct, sir.

THE CHAIRMAN: Well, for a complete movement in each case you would just have to add additional times to each one of these.

MR. LEWIS: Pardon?

THE CHAIRMAN: You would just have a similar situation.

MR. LEWIS: Yes, a similar relative result.

BY MR. LEWIS:

Q One or two of your tests, perhaps two or three -- I don't remember -- involved an engineer changing ends?

A Yes.

Q In one of the moves there described?

THE CHAIRMAN: Changing units.

MR. LEWIS: Yes, so that he is on the other side.

BY MR. LEWIS:

Q When the engineer does that is it or is it not necessary for him to make a brake test?

A You mean of the engine or of the train?

Q Well, whichever you need. Does he have to make any brake test at all?

A Yes, he sets up the brake.

Q And he has to make a brake test after he has changed controls from one unit to another?

A Yes, he sets up and releases the brake.

Q Does he not have to make a train brake test?

A Yes, he would set them up and release them.

Q And someone has to watch whether they grab hold?

A No, you would have to see that the brake at the last car in which the air is cut in releases, but don't forget on the

majority of his switching movements he doesn't need to have air.

Q I am not sure whether those in which you describe the changing of units -- well, of course, you would, wouldn't you, if you have a **three** or four unit consist of a locomotive, that would be a road movement, wouldn't it?

A Yes, but, for instance, at Field, Mr. Lewis, when we changed the caboose there the train that you are changing it on has been worked on **by** the trainman and there is no air on it so there would be no point in pumping them all up so you just pull them out and there is no lost time there.

Q But if that were not the case and there was air he would have to make a brake test?

A That is right.

Q Any idea how long that would take from your experience?

A Depending on the number of cars you had.

Q Well, ranging from two --

A Fifteen cars, three or four minutes.

Q Fifteen -- fifty?

A Oh, five or six minutes.

Q And seventy-five?

A Ten or twelve minutes.

MR. LEWIS: That is all, Mr. Chairman.

THE CHAIRMAN: Any re-examination?

MR. SINCLAIR: No, sir.

THE CHAIRMAN: Thank you; 10.00
o'clock tomorrow morning.

---At 4.10 p.m. the hearing adjourned until
10.00 a.m. on Tuesday, October 22, 1957.

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